

State of Alaska  
Board of Massage Therapists

Board Packet

February 28- March 1, 2019

In-Person Meeting  
550 W. 7<sup>th</sup> Street  
Suite 1560  
Anchorage, AK

# Roll Call

**State of Alaska**  
**Office of Boards and Commissions Roster**  
**BOARD OF MASSAGE THERAPISTS**

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
<b>Ron Gibbs</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2020
<b>Traci K. Gilmour</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
<b>Julie Endle</b> <i>Public Member</i>	January 24, 2019	March 1, 2021
<b>Chair</b> <b>David Edwards-Smith</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
<b>Jill Motz</b> <i>Licensed Massage Therapist</i>	Jan 23, 2017	March 1, 2022

# Ethics

State of Alaska  
DEPARTMENT OF LAW

# ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

## Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act<sup>1</sup> has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.<sup>2</sup>

## What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *“Ethics Information for Members of Boards and Commissions.”* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the [Department of Law’s ethics website](#).

## How Do I Avoid Violations of the Ethics Act?

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- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!<sup>3</sup>
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

## What Are The Disclosure Procedures for Board and Commission Members?

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The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

### Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act **on the public record and in writing to the chair**.

*Disclosure on the public record.* Members must identify actual and potential conflicts orally at the board or commission’s public meeting **in advance** of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.<sup>4</sup>
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

*Disclosure in writing at a public meeting.* In addition to an oral disclosure at a board or commission meeting, members’ disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved **and** there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

*Confidential disclosure in advance of public meeting.* Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.<sup>5</sup>
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.<sup>6</sup>

*Determinations at the public meeting.* When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.<sup>7</sup>

*If the chair identifies a potential conflict,* the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

## Procedures for Other Member Disclosures

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A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the [Department of Law's ethics website](#).

## What Are The Disclosure Procedures for Executive Directors and Staff?

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Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

*Notices of Potential Violations.* Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

*Other Disclosures.* The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

## How Are Third Party Reports of Potential Violations or Complaints Handled?

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Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted in **writing** and **under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.<sup>8</sup>
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

## What Are The Procedures for Quarterly Reports?

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Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at [ethicsreporting@alaska.gov](mailto:ethicsreporting@alaska.gov) and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

## How Does A DES or Board or Commission Get Ethics Advice?

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A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

<sup>1</sup> The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

<sup>2</sup> The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

<sup>3</sup> You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

<sup>4</sup> In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

<sup>5</sup> The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

<sup>6</sup> In this manner, a member's detailed personal and financial information may be protected from public disclosure.

<sup>7</sup> When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

<sup>8</sup> The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

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The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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## Ethics Disclosure Form

<p style="text-align: center;"><b>CONFIDENTIAL</b> <b>REQUEST FOR ETHICS DETERMINATION</b></p>
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TO: \_\_\_\_\_, Designated Ethics Supervisor

\_\_\_\_\_  
*(Identify Your Department, Agency, Public Corporation, Board, Commission)*

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

**I understand that I should refrain from taking any official action relating to this matter until I receive your advice.** If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division, Board, Commission)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

*Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

**Ethics Disclosure Form**

**Receipt of Gift**

TO: \_\_\_\_\_, Designated Ethics Supervisor, \_\_\_\_\_  
*(Agency, Public Corporation, Board, Commission or Council)*

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?  
 Yes    No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?  
 Yes    No

*(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)*

The gift is \_\_\_\_\_

Identify gift giver by full name, title, and organization or relationship, if any:

\_\_\_\_\_

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

\_\_\_\_\_

My estimate of its value is \$ \_\_\_\_\_ The date of receipt was \_\_\_\_\_

The gift was received by a member of my family. Who? \_\_\_\_\_

*If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):*

\_\_\_\_\_

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

\_\_\_\_\_  
*(Signature)*

\_\_\_\_\_  
*(Date)*

\_\_\_\_\_  
*(Printed Name)*

\_\_\_\_\_  
*(Division)*

\_\_\_\_\_  
*(Position Title)*

\_\_\_\_\_  
*(Location)*

Ethics Supervisor Determination:  Approve    Disapproved

\_\_\_\_\_  
Designated Ethics Supervisor\*

\_\_\_\_\_  
*(Date)*

*\*Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

# Review of Agenda



**Alaska Board of Massage Therapists**  
**Robert Atwood Building**  
**550 W. 7<sup>th</sup> Ave, Suite 1560**  
**Anchorage, Alaska**  
Conference Line Call In: 1-800-315-6338  
Access Code: 14875

**February 28- March 1, 2019**

**9:00 a.m.**

**Meeting Agenda (Draft)**

**Day 1**  
**Time**

**Subject**

**Lead Person(s)**

1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Review/Approve Past Meeting Minutes	Chair
5. 9:20 a.m.	Old Business <ul style="list-style-type: none"><li>• Task List from December 6-7, 2018</li><li>• Alaska Human Trafficking Work Group Notes August 15 &amp; November 20, 2019</li><li>• Review Updated FAQ's</li><li>• Disciplinary Matrix Revision</li><li>• FSMTB State Requirement Breakdown (2019)</li></ul>	Chair
6. 10:00 a.m.	Division/Financial Update <ul style="list-style-type: none"><li>• Board Requested Comparisons from December</li></ul>	TBD
7. 10:20 a.m.	Investigative Case Review, Probation Reports, & Reviewing Board Member Refresher Memos & Consent Agreements (Executive Session, if needed)	Investigators Jacobs & Homestead
8. 11:10 a.m.	Review/Revision of 12 AAC 79.110 (2)(B)	Chair
9. 11:25 a.m.	Review Tabled Applications <ul style="list-style-type: none"><li>• K.K.</li><li>• L.O.</li><li>• Y.M.</li></ul>	Chair
10. 12:00 p.m.	Lunch	
11. 1:15 p.m.	Public Comment	Chair
12. 1:30 p.m.	Use of Curriculum Breakdown <ul style="list-style-type: none"><li>1. Applications by Examination</li><li>2. Schools with Accreditation (Massage/Bodywork)</li></ul>	Chair



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**February 28-March 1, 2019**  
**9:00 a.m.**  
**Meeting Agenda (Draft)**

**Day 1 (continued)**

<b><u>Time</u></b>	<b><u>Subject</u></b>	<b><u>Lead Person(s)</u></b>
13. 1:45 p.m.	Administrative Business <ul style="list-style-type: none"><li>• Meeting Calendar</li><li>• Document Signing</li><li>• Correspondence<ol style="list-style-type: none"><li>1. Wallis</li><li>2. Lea</li></ol></li><li>• New Task List</li></ul>	Chair
14. 2:15 p.m.	Applicant Requested Background Review	Chair
15. 2:55 p.m.	Adoption of Proposed Regulations (ended 2/18/2019)	Reg. Spec. Zinn
16. 3:15 p.m.	Break	Chair
17. 3:30 p.m.	Fitness to Practice Interviews <ol style="list-style-type: none"><li>1. 3:30 p.m. B.B. Interview (In-person)</li><li>2. 4:00 p.m. B.B. Deliberation</li></ol>	
18. 4:30 p.m.	Adjourn or Recess until 9:00 a.m. March 1, 2019	Chair

**Day 2- March 1, 2019**

19. 9:00 a.m.	Call to Order/Roll Call	Chair
20. 9:05 a.m.	Review Agenda	Chair
21. 9:10 a.m.	Massage Establishment Regulations Review with LAW	AAG Milks
22. 9:40 a.m.	Draft Massage Establishment Regulations	Chair, Zinn, Chambers, Milks, Francois
23. 12:00 p.m.	Lunch	
24. 1:00 p.m.	Consultation with LAW on CBD Oil Use	AAG Wilson





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Access Code: 14875

**February 28- March 1, 2019**  
**9:00 a.m.**  
**Meeting Agenda (Draft)**

**Day 2 (continued)**

<b><u>Time</u></b>	<b><u>Subject</u></b>	<b><u>Lead Person(s)</u></b>
25. 1:30 p.m.	Break for Town Hall Preparation	Chair
26. 2:00 p.m.	Town Hall Meeting	OLE Dulebohn
27. 4:00 p.m.	Adjourn	Chair

DRAFT

# Review/Approve Past Meeting Minutes

1 State of Alaska  
2 Department of Commerce, Community and Economic Development  
3 Division of Corporations, Business and Professional Licensing  
4

5 **BOARD OF MASSAGE THERAPISTS**

6  
7 **MINUTES OF THE MEETING**  
8 **December 6-7, 2018**  
9

10 *These are **DRAFT** minutes prepared by the staff of the*  
11 *Division of Corporations, Business, and Professional Licensing.*  
12 *These minutes have not been reviewed or approved by the Board.*  
13

14 *Written meeting minutes reflects a brief overview of the business conducted by the board during their meeting. For a more*  
15 *detailed account, please request a copy of the meeting's audio recording at*  
16 *<https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>.*  
17

18 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a  
19 scheduled meeting of the Board of Massage Therapists was held telephonically on  
20 December 6-7, 2018.  
21

22 **Agenda Item 1** **Call to Order/Roll Call:**

23  
24 *On the record at 9:00 a.m.*  
25

26 **Board Members present, constituting a quorum:**  
27

28 David Edwards-Smith- Board Chair, Licensed Massage Therapist  
29 Traci Gilmour, Licensed Massage Therapist  
30 Ron Gibbs, Licenses Massage Therapist  
31 Jill Motz, Licensed Massage Therapist  
32 Rebecca McCoy, Public Member  
33

34 **Division Staff present:**  
35

36 Dawn Dulebohn, Occupational Licensing Examiner  
37 Dawn Hannasch, Records and Licensing Supervisor  
38 Sonia Lipker, Senior Investigator  
39 Christina Bond, Investigator II  
40 Charles Ward, Acting Deputy Director  
41 Marylene Wales, Accountant III  
42 Jun Maiquis, Regulations Specialist  
43 Sher Zinn, Regulations Specialist  
44

45 **Joining Telephonically:**  
46

47 Erika McConnell, Director, Alcohol & Marijuana Control Office  
48 Robert Carter, Agronomist III, Department of Natural Resources

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**Agenda Item 2** **Ethics Reporting:**

The Board Chair opened the floor to any board member that may have an ethics violation or inquiry. None were presented.

**Agenda Item 3** **Review/Approve Agenda:**

The board reviewed the agenda and discussed any proposed changes. Chair Edwards-Smith proposes the board add items to discuss such as previous denials being contacted regarding the board’s new Fitness to Practice procedures under Agenda Item 14, 6 application reviews under Agenda Item 14, and FSMTB Executive Summit under Agenda Item 8

**In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously, it was RESOLVED to ACCEPT the agenda as amended.**

**Agenda Item 4** **Investigative Case Review and Probation Reports**

*Chair Dave Edwards-Smith calls a short recess at 9:06 a.m.  
Back on the record at 9:15 a.m.*

*Investigators Sonia Lipker and Christina Bond join the meeting telephonically at 9:15 a.m.  
Supervisor Hannasch left at 9:15 a.m.*

Investigator Lipker begins the Investigative Case Review. She states that during the period of August 21- November 30, 2018 16 cases were opened and 17 cases were closed. 20 matters remain on-going and/or under active investigation. There are no license actions to present at this time.

Chair Edwards-Smith requests comparable data from Investigations regarding licensing case load. Investigator Lipker states that she will look at programs with approximately the same number of licensees and will present the data at the next board meeting. Board member Traci Gilmour inquires about 2 cases on the list that are more than 12 months old. Investigator Lipker reports that those cases are open and active and awaiting cooperation from the Respondent. Ms. Gilmour asks if cases ever “age out” and Investigator Lipker replies that cases will always have to have some sort of conclusion.

Investigator Bond begins with the Probation Report. She states there are 8 licensees on probation and everyone is in compliance. Board member Ron Gibbs asks about the probation process and how the licensees are check up on. Investigator Bond replies that it will depend on the stipulation of their consent agreements but normally there are background reports and self- attestations in the form of quarterly reports. OLE Dulebohn reminds the board that Investigator Carl Jacobs sent a list of requirements for probation and it is located in the November 2018 board packet.

*Christina Bond and Sonia Lipker left the meeting at 9:22 a.m.*

**Agenda Item 5** **Review Previous Task Lists**

OLE Dulebohn presents items from the September 10-11 and November 15, 2018 board meetings.

- 97 Some of the highlights are:
- 98 • The Paralegal reports that continuing education must be completed between October 1 and
  - 99 September 30 of a licensing period.
  - 100 • The implementation of MTLTD has been reviewed by Program Coordinator Colleen Kautz
  - 101 who has decided that, at this time, the state's IT department does not have the resources
  - 102 (time) to take of a project of this complexity and magnitude.
  - 103 • Board member Jill Motz has contacted Linda Story at Alaska Career College for a letter of
  - 104 commitment to allow applicants to complete remedial hours as determined by the board. As
  - 105 of this board meeting it has not been received.

107 There was comment by Ms. Gilmour that some therapists that took advantage of early renewal in  
 108 July 2017 took CE classes in August believing since they have individually renewed, the class they  
 109 took in August would could count towards the 2019-2021 licensing period. OLE Dulebohn replies  
 110 that renewing a license so early, while appreciated, is a choice but the licensing period doesn't  
 111 actually end until September 30. The Board asks OLE Dulebohn to craft an FAQ on this subject  
 112 and post it to the website.

114 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**  
 115 **with a roll call vote, it was RESOLVED to ALLOW continuing education for the 2019- 2021**  
 116 **renewal period to begin on July 1, 2017 and end on September 30, 2019.**



118 **Agenda Item 6** **Division/Financial Update**

120 *Acting Deputy Director Charles Ward and Accountant III Marylene Wales join the meeting at 9:40 a.m.*

122 Mr. Ward and Ms. Wales addresses the board regarding the Division Financial Update.

124 **FY 2018 Schedule of Revenues and Expenditures 1<sup>st</sup>- 4th Quarter:**

125

MAS	2018
<b>\$347,666</b>	<b>Total Revenue</b>
-275,296	Direct Expenditures
-105,954	Indirect Expense
<b>\$381,250</b>	<b>TOTAL EXPENSES</b>
-33,584	Annual Surplus
264,127	Beginning Cumulative Surplus
<b>\$231,543</b>	<b>2018 Ending Cumulative Surplus</b>

126  
 127 The board asked Ms. Wales for specifics for Inter-Agency Safety, Inter- Agency Legal, and Inter-  
 128 Agency Hearing/Mediation. She was also asked to find comparative data for the years 2016-2018  
 129 and with other programs with the same licensee base in order to trend costs for the future. OLE  
 130 Dulebohn reminds the board that Melissa Dumas reported that information to the board in the

131 September meeting. OLE Dulebohn will resend Ms. Dumas's report to the board for their  
132 reference. Ms. Wales will compile reports and submit them to the board.

133  
134 There was a decrease in revenue for 2017 but that would be related to the decrease in licensing fees.  
135 A fee analysis is scheduled for March of 2019 and Ms. Wales will have those numbers available in  
136 the June 2019 meeting for board review and approval. On a side note, Ms. Wales reports that  
137 massage therapists account for 1.7% of licensees in Alaska. Mr. Ward and Ms. Wales reports that  
138 they believe the board is in a good financial position to go into a non-renewal fiscal year.

139  
140 The Division website has Quarterly Reports for all boards.

141  
142 *Mr. Ward and Ms. Wales left the meeting at 10:08 a.m.*

143  
144 **Agenda Item 7** **National Certification Board for Therapeutic Massage**

145  
146 Chair Edwards- Smith directs the board to the discussion on the National Certification Board for  
147 Therapeutic Massage (NCBTMB). He has submitted research showing that the NCBTMB only  
148 reviews and authorized schools in order for candidates to sit for their exam.

149  
150 Ms. Motz and Ms. Gilmour have a discussion on the research Ms. Motz completed on how the  
151 NCBTMB vets their instructors for continuing education. Ms. Motz states that she is unimpressed  
152 with their requirements and their main concern seems to be self-serving as an income generator.  
153 She believes they have a good intention but there is not much criteria that needs to be met before  
154 they approve schools or instructors. She believes the board should contact NCBTMB to see if they  
155 would be open to suggestion on this topic.

156  
157 The board goes on to discuss allowing NCBTMB to be included as a nationally recognized  
158 accrediting agency as defined in AS 08.61.100(1)(B). Chair Edwards-Smith states that NCBTMB's  
159 website states that they are not an accrediting agency. He also mentions that one of the  
160 requirements to sit for their current board exam is that you must already be licensed. Ms. Motz  
161 states that the NCBTMB used to have a national licensing exam prior to January 31, 2015 (which is  
162 when the Federation of State Massage Therapy Boards instituted the MBLEx) which the board still  
163 accepts as part of the requirements of licensure.

164  
165 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
166 **with a roll call vote, it was RESOLVED to NOT RECOGNIZE National Certification**  
167 **Board for Therapeutic Massage as a nationally recognized accrediting agency in reference**  
168 **to AS 08.61.100.**

169  
170 Regarding the NCBTMB being approved as a course sponsor for continuing education, the board  
171 believes that this will be an ongoing discussion and courses should evaluate courses on a case-by-  
172 case basis. Ms. Motz interjects with information from the research that she has done on how  
173 NCBTMB chooses their instructors and its potential for harm. NCBTMB allows instructors to  
174 attest to their competency without verifying specialties or that they are staying within their scope.  
175 Ms. Motz goes on that there are vulnerable populations at risk and it is the board's job to protect the  
176 public. When Ms. Motz contacted NCBTMB they told her that they do not recheck an instructor's  
177 qualifications to teach every class. Chair Edwards-Smith states that when he called NCBTMB he  
178 was given different information. It is agreed that the board would like to send a letter to NCBTMB

179 to ask how they keep their instructors accountable with an outline on how they qualify instructors.  
180 Chair Edwards-Smith volunteers to contact NCBTMB for a statement letter on how they approve  
181 instructors and programs.

182  
183 Ms. Gilmour would like OLE Dulebohn to draft a FAQ describing how anyone would complain if  
184 they take an unsatisfactory continuing education course.

185  
186 **Agenda Item 5 (cont.)** **Review Previous Task Lists**

187  
188 **Sexually Explicit Advertising**

189  
190 Ms. Motz reports on her research on Sexually Explicit Advertising. In her research, Ms. Motz could  
191 not find a cohesive, specific definition and instead suggests that advertising should be “oriented  
192 towards wellness, therapy, massage, or be related to the conduction of massage business.” The  
193 board agrees that any complaint would be evaluated on a case-by-case basis. To answer a question  
194 from the November 15, 2018 meeting, Regulations Specialist Zinn was consulted and she confirms  
195 that the board has the right to regulate advertising for both therapists and establishments. The  
196 board states that they would like to consult LAW on this subject when AAG Harriet Milks is in  
197 attendance tomorrow.

198  
199 **Agenda Item 9** **Report on FSMTB Annual Meeting**

200  
201 Chair Dave Edwards-Smith reports on the FSMTB Annual Meeting that he attended in October  
202 2018. During the meeting he came to appreciate the work that the Alaska board is doing even more.  
203 He did notice that boards were starting to see anti-regulation actions. After consulting other states,  
204 he reiterates how important it is to form relationships with legislators to keep them apprised of your  
205 profession. Ms. Gilmour volunteers to start meeting with legislators and staff and mentions that is a  
206 great reason to have the board’s next in-person meeting in Juneau.

207  
208 One of the bullet points in the report under the heading of Human Trafficking, Fraud, and  
209 Prostitution has to do with how Tennessee requires persons accompanying/translating for  
210 applicants (“handlers”) to state appointments regarding licensure should have to show identification.  
211 A conversation ensues on the legality of doing that in Alaska. In addition, the board would like a  
212 LAW consultation on this topic and whether an affidavit of assistance can be required for anyone  
213 helping an applicant fill out their application for licensure.

214  
215 The Chair continues by saying that this was a very valuable experience and he would like to continue  
216 sending a delegate from Alaska.

217  
218 **Agenda Item 14** **Administrative Business**

219  
220 **Proposed Regulations**

221  
222 The board reviewed the proposed regulations that closed public comment on December 3, 2018 that  
223 included:

- 224
- Hours will be increased from 500 to 625 hours on July 1, 2019
  - Curriculum breakdown for both 500 and 625 hour programs
- 225

- 226 • Reduction of fingerprint requirements for renewal to at least once every 6 years
- 227 • Reduction of bloodborne pathogens requirement to applicants applying by examination
- 228 from 4 to 2 hours.
- 229 • Acceptance of apprenticeship program standards

230

231 The board reviewed the comments submitted to the regulations specialist and found none that  
232 impacted the regulation as written.

233

234 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**  
235 **a roll call vote, it was RESOLVED to ADOPT the regulations that closed public comment**  
236 **on December 3, 2018 (DOL File #2018200985).**

237

238 OLE Dulebohn will mail the Adoption Order for these regulations for signature.

239

#### 240 Notification to Previously Denied Applicants

241

242 Given the adoption of a new Fitness to Practice Review as drafted by Acting Director Sara  
243 Chambers, the board reviews how they would like to re-open files of applicants previously denied  
244 because of criminal activity. In the interest of due process, the board will allow applicants with  
245 criminal activity the opportunity to submit additional documentation and participate in an interview  
246 before a decision of licensure is made by the board.

247

248 **In a motion duly made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously**  
249 **with a roll call vote, it was RESOLVED that the licensing examiner will CONTACT all**  
250 **applicants denied on the basis of criminal activity (background reports) to ask if the**  
251 **applicants would like their file re-opened to utilize the board's new Fitness to Practice**  
252 **review process. Applicant's that appealed and went through a ALJ process will not be**  
253 **notified for reconsideration.**

254

#### 255 FSMTB Executive Summit

256

257 Chair Edwards-Smith asks the board to consider sending OLE Dulebohn to the FSMTB Executive  
258 Summit in April 2019. He believes that the Summit is a benefit to the board and it is 100% funded  
259 by FSMTB.

260

261 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
262 **with a roll call vote, it was RESOLVED to APPROVE travel for Dawn Dulebohn to attend**  
263 **the FSMTB Executive Summit in April 2019 for additional training.**

264

#### 265 FSMTB State Licensure Roster

266

267 The Federation for State Massage Therapy Boards (FSMTB) has compiled a list of requirements for  
268 licensure by state. OLE Dulebohn has suggested these might be a valuable tool in evaluating  
269 applications by credentials to ensure that applicants are applying with a state license that meets or  
270 exceeds the standards set by Alaska in accordance with AS 08.61.040(9)(A).

271 Upon review, inaccuracies were detected in the Summary of Initial Education Curriculum

272 Requirements for State Massage Therapy Licensure. Under the "Approved School" heading for



273 Alaska, it was noted that “schools must be recognized by one of the following  
274 accrediting/credentialing agencies: AMTA, ABMP, NCBTMB, COMTA.” The only national  
275 agency the board currently recognizes to accredit schools is the Commission on Massage Therapy  
276 Accreditation (COMTA).

277  
278 **In a motion duly made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it**  
279 **was RESOLVED to AUTHORIZE OLE Dulebohn to contact FSMTB about the**  
280 **corrections to their information on Alaska’s school authorizing agencies.**

281  
282 Chair Edwards-Smith asks that OLE Dulebohn make FSMTB aware that we will be using their  
283 roster as a research tool. Board member Ron Gibbs has asked that OLE Dulebohn create a matrix  
284 using this information for the board to use as a tool in reviewing applications for licensure.

285  
286 Review/Approve Past Meeting Minutes

287  
288 The board reviewed minutes from the September 10-11, October 12, and November 15, 2018  
289 meetings. Mr. Edwards-Smith, Ms. Gilmour, and Ms. Motz had questions and/or comments on the  
290 minutes. Ms. Gilmour noted a typo in the October 12, 2018 minutes, line 261 to change the word  
291 “clause” to “class”.

292  
293 OLE Dulebohn also asks permission from the board to add the following disclaimer to the top of all  
294 written minutes: *Written meeting minutes reflects a brief overview of the business conducted by the board during*  
295 *their meeting. For a more detailed account, please request a copy of the meeting’s audio recording at:*  
296 <https://www.commerce.alaska.gov/web/cbpl/PublicRecordsRequests.aspx>. The reason being that  
297 everyone will be aware that meeting minutes are a summary written by the licensing examiner. The  
298 board agreed that would be helpful to persons reading the minutes.

299  
300 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously**  
301 **with a roll call vote, it was RESOLVED to APPROVE the meeting minutes from September**  
302 **10-12, October 12, and November 15, 2018 as amended.**

303  
304 Correspondence

305  
306 *Traci Gilmour out at 11:45 a.m.*  
307 *Back at 11:47 a.m.*

308  
309 The board reviewed correspondence sent in by Michael Hollstein. Mr. Hollstein has requested that  
310 the board allow him to apply by transition. The board discussed the request and ultimately decided  
311 to uphold regulation 12 AAC 79.120 that states that to apply by this method applications must have  
312 been received before July 1, 2017. They ask that OLE Dulebohn craft a response to Mr. Hollstein’s  
313 correspondence on behalf of the board.

314  
315 The board reviewed correspondence sent in by the Rolf Institute of Structural Integration. The  
316 board does not feel that this letter impacts their current standard for RISI graduates. Board member  
317 Jill Motz notes that the letter states “while this program does exceed the minimum requirements,  
318 students should not consider the program as a terminal certificate for massage alone, but rather as

319 preparation to be Structural Integrators. No reply was requested or assigned to be crafted by the  
320 board.

321  
322 OLE Dulebohn asks the board if the recently approved massage curriculum breakdown will be  
323 applied to every transcript from applicants applying by examination to determine education  
324 requirements have been met or just the transcripts coming from schools that do not have a defined  
325 massage program (such as RISI). The board answered that, yes, they will apply the curriculum  
326 breakdown to all transcripts going forward.

327  
328 Meeting Calendar

329  
330 No changes to the meeting calendar were made at this time.

331  
332 *Chair Edwards-Smith called a break for lunch at 11:53 a.m. until 1:15 p.m.*

333  
334 Agenda Item 10 Public Comment

335  
336 *Back from lunch at 1:12 p.m. Board members Edwards-Smith, Gilmour, Motz, McCoy, and Gibbs present.*

337  
338 While waiting to see if anyone wants to speak at public comment, Chair Edwards-Smith digressed  
339 into the next item on the agenda.

340  
341 Agenda Item 11 ACPE School Approvals

342  
343 In an e-mail on November 9, 2018 from Kierke Kussart from Alaska Commission on Postsecondary  
344 Education, Ms. Kussart informed the board that at the ACPE meeting on October 30, 2018, the  
345 Alaska Academy of Advanced Cosmetology has been reauthorized for 2 more years through  
346 October 31, 2020.

347  
348 Agenda Item 10 (continued) Public Comment

349  
350 Joining the meeting telephonically for Public Comment is:

351  
352 Lisa Hunt, Licensed Massage Therapist

353  
354 The board prepared to hear public comment. Having only one person, Board Chair David  
355 Edwards-Smith allotted Ms. Hunt 5 minutes for her comments. Ms. Hunt's statement was as  
356 follows:

357  
358 "Ok. I was listening today to the discussion on apprentice programs for massage therapists and if  
359 the regulations and things haven't been decided yet, I would like to encourage you guys to look at  
360 how Hawaii has done their school program because that's the program that I originally went through  
361 with licensing and I think that Hawaii has a lot of things in common with Alaska. We are both  
362 dealing with remote situations and challenges in those ways and then with their grandfathering they  
363 were looking at trying to protect the group of people that learned massage generationally and  
364 handed down. In the future, trying to support that structure as well as schools. When we look at  
365 ours, how we did it (when I was there, at least) they had Level One schooling that contained the  
366 basics that we want all therapists to know like anatomy and physiology. A basic idea on the different

367 categories and modalities are and basic information that we want all therapists to be competent in  
368 knowing. That would cover all things that we be in a state test. And then they have a Level 2  
369 training that could be either an apprenticeship program with a bit of continuing ed or more  
370 continuing ed. where you would go into your specific training if you wanted to specialize your  
371 career. Otherwise, the apprenticeship program that they had made it so that you would be with a  
372 therapist that would be a licensed massage therapist for a minimum of two years. Every therapist  
373 could have two apprentices. There was also a limit on the number of conglomerations that you  
374 could have, like, you could have a massage establishment with three massage therapists working and  
375 each one of those were allowed to have two massage apprentices. Anyway, the board can look into  
376 the details of that but it may be something we would want to entertain ‘cause it was a really nice way  
377 to incorporate new therapists into working area of massage therapy. I thought it was a really nice  
378 way to enter into it all and I think it might work well for Alaska. I forget what the other statement I  
379 wanted to make was...thank you for your time and efforts in all of these matters.”

380  
381 Board Chair Edwards-Smith thanked Lisa for her public comment. Seeing no one else signed up for  
382 public comment, the board moves on to other business. The board found themselves with 15  
383 minutes before the next scheduled agenda item. They decided to take this time to review the 6  
384 applications in their file.

385  
386 *Chair Edwards-Smith called a short break at 1:22 p.m.*  
387 *Back on the record at 1:31 p.m.*

388  
389 **Agenda Item 12** **Use of CBD Oil**

390  
391 *In addition to all board members, joining the meeting at 1:32 p.m. are Regulations Specialist Jun Maiquis, Rob*  
392 *Carter with the Department of Natural Resources (DNR), and Director Erika McConnell with the Alcohol and*  
393 *Marijuana Control Office (AMCO).*

394  
395 Chair David Edwards-Smith begins the discussion with some history on the board meetings and to  
396 state that the board’s current position is that the board doesn’t have the authority to regulate  
397 whether massage therapists could use cannabidiol (CBD) oils. He referenced the Standards of  
398 Practice and Code of Ethics that massage therapists must practice with consultation and permission  
399 of the client. There are currently massage therapists in Alaska that are promoting CBD Oil Massage  
400 and Mr. Edwards- Smith wants to know the legality of using the substance.

401  
402 Board member Traci Gilmour joins the discussion by stating that CBD is available commercially;  
403 nation-wide and online. Board member Rebecca McCoy states that she sells CBD oil in her shop  
404 for human and pet consumption since there is nothing that prohibits her from selling it in her retail  
405 store.

406  
407 Director of AMCO, Erika McConnell gives a brief history of marijuana and its products to the  
408 board:

- 409
- 410 • Prior to April 13, 2018, all products made from *Cannabis Sativa L* were defined as marijuana  
411 and were subject to the restrictions and requirements of AS 17.30.08 which governs  
412 commercial marijuana establishments and established the Marijuana Control Board.  
413 Everything that came from the plant was under the jurisdiction of the Marijuana Control  
Board (MCB) with minor exceptions.

- 414 • While AMCO has seized some unregulated CBD, the board has directed staff (because of  
415 limited resources) to focus enforcement efforts on licensees and unlicensed businesses that  
416 are selling conventional marijuana rather than focusing on health food stores and retail  
417 establishments selling CBD.
- 418 • On April 13, 2018, Senate Bill 6 became law. That bill changed the definition of marijuana  
419 to carve out industrial hemp. It defined industrial hemp as “all parts and varieties of the  
420 plant *Cannabis Sativa L* containing not more than 0.3% of Delta 9 THC  
421 (tetrahydrocannabinol).”
- 422 • SB 6 also created a regulatory program for industrial hemp that is under the purview of the  
423 Department of Natural Resources which would remove CBD from the jurisdiction of  
424 AMCO.
- 425 • On a final note, once CBD oil is created, it is impossible to know if it came from industrial  
426 hemp or marijuana. When extracts of industrial hemp are concentrated, you can end up with  
427 a product that has more THC than expected. The Department of Law has determined that  
428 industrial hemp may only be grown, processed, and marketed through the DNR program  
429 and that it is not to be imported from other places. It is known that CBD is available from a  
430 variety of markets and in various products.

431  
432 Rob Carter from Department of Natural Resources (who is currently drafting regulation for  
433 industrial hemp) shares some insights:

- 434 • SB 6 has outlined the identification and the process of industrial hemp and industrial hemp  
435 products. Industrial hemp and industrial hemp products are grown, manufactured, and  
436 offered for sale because prior to the 2014 Farm Bill (Agricultural Act of 2014), industrial  
437 hemp (including its plants and plant parts) were federally illegal. Technically even this bill  
438 did not legalize industrial hemp, production, or marketing of any of its plant parts unless an  
439 individual state has, on law, has an industrial hemp pilot program that is regulated by each  
440 individual state.
- 441 • SB 6 has provided the law and now the Department of Agriculture is building the regulatory  
442 framework for a pilot program that will allow for registrations for production, cultivation,  
443 and marketing of plant, plant parts, and extracts such as CBD.
- 444 • Currently, any CBD or industrial hemp plant or plant part that is within the state is  
445 technically illegal.
- 446 • Alaska has SB 6 but it has not been interpreted into regulation yet. Once regulations are  
447 finished, they will be out for public comment and anyone who wants to produce, cultivate,  
448 or market plants or plants parts (such as CBD oil products) are encouraged to comment. SB  
449 6 did not mandate a deadline for regulations but did have an immediate effective date to  
450 allow DNR to draft regulation.
- 451 • All industrial hemp products will need to meet or exceed Alaska’s testing standards before  
452 they will be allowed to be offered for sale or transport within the state.

453  
454 Chair Edwards-Smith clarifies by stating that once regulation is in place, any massage therapist  
455 looking to use CBD oil in a massage, would need to register with DNR to market the product and  
456 be in compliance with the law. DNR will have to provide a list of registrants to the Department of  
457 Public Safety (DPS) and AMCO each year. Mr. Carter goes on to offer to provide the list of  
458 registrants each year to the Board of Massage Therapists as a courtesy.

459

460 Board member Ron Gibbs brings up the question of: Does the board want to start regulating the  
461 topical lotions/oils that a therapist uses? He feels since there is another agency that would oversee  
462 CBD oils, there would be no need to over-regulate. Board member Jill Motz wonders if the board  
463 has a culpability or a responsibility to keep the public safe in this regard. If licensees are breaking  
464 the law in the course of providing massage therapy, where is the boards role?

465 The board requests that an FAQ be drafted on the subject on CBD with a link to Alaska Plant  
466 Materials Center and the Department of Law Consumer Advisory on Unregulated CBD Oil. Board  
467 member Jill Motz requests that in addition to the FAQ, a mass e-mail be sent out to licensees on this  
468 subject. The board discusses that, while they do not normally send out e-mail notifications because  
469 they trust that licensees will take on the personal responsibility to obey the law and keep themselves  
470 educated, since they have already decided to send out a mass e-mail on continuing education date  
471 ranges, the CBD information can be included in that e-mail.

472  
473 The board thanks both Ms. McConnell and Mr. Carter for joining the meeting and providing such  
474 important information.

475  
476 *Rob Carter and Erika McConnell left the meeting at 1:59 p.m.*

477  
478 **Agenda Item 14 (continued)**                      **Administrative Business**

479  
480 *Chair Edwards-Smith calls a short recess at 2:00 p.m.*

481 *Back on the record at 2:04 p.m.*

482  
483 **Review Applications**

484  
485 The board takes time to review the 6 applications put before them today.

486  
487 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, it was RESOLVED to**  
488 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**  
489 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**  
490 **law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to**  
491 **remain during Executive Session.**

492  
493 *Off the record at 2:05p.m.*

494 *Back on record from Executive Session at 2:21 p.m.*

495  
496 **Agenda Item 13**                                      **Review Drafted Regulations**

497  
498 *Meeting is joined by Regulations Specialist Sber Zinn at 2:22 p.m.*

499  
500 **Code of Conduct**

501  
502 The board discusses the update to Code of Ethics #8 in regard to sexual advertising and it's  
503 regulation. Ms. Zinn states that she consulted Assistant Attorney General Harriet Milks when it  
504 came to regulating advertising of massage establishments and was informed that board has the  
505 authority to regulate advertising. Ms. Zinn goes on to say that if the board has the authority to  
506 regulate advertising for an establishment then they also have the authority to regulation advertising  
507 for individual massage therapists. Board Member Ron Gibbs interjects that there could be a

508 loophole for advertising that is on social media or un-paid. Ms. Zinn replies that that would be a  
509 question for the Attorney General. Board member Jill Motz answers that recently she had reported  
510 someone to Investigations and was told by Investigations that there is a difference between personal  
511 social medial and business social media accounts when it comes to content.

512  
513 The updated Code of Conduct #8 would read: “I will not, in any circumstance, initiate or engage in  
514 sexual conduct, activities, advertising, or sexualizing behavior involving a client, even if the client  
515 attempts to sexualize the relationship.” The board has no amendment to its drafted language.

#### 516 517 In-Class Supervised 518

519 Ms. Zinn leads the discussion on a regulation further defining “in-class supervised” to read: “(c) In  
520 this section, ‘in-class supervised instruction’ means education received either in a physical classroom  
521 or through online distance education. Online courses must meet the requirements of (b)(2)(A) or  
522 (B) of this section”.

523  
524 Ms. Zinn goes on to talk the financials of posting these for public comment (\$500.00 for the  
525 Anchorage Daily News posting and 55 cents an envelope to mail notices to licensees and interested  
526 parties) and the board decides that to be fiscally responsible, they will wait and publish these in  
527 conjunction with the Massage Establishment Licensing (MEL) regulations that it plans to complete  
528 the following day in order to get ahead of legislative session.

529  
530 **In a motion duly made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with**  
531 **a roll call vote, it was RESOLVED to APPROVE regulation changes for “Code of Conduct”**  
532 **and “In-Class Supervised” to go out for public comment.**

533  
534 The board follows up with Ms. Zinn on the Department of Law questions from the November 15,  
535 2018 meeting:

- 536 • If the board decides to license establishments owned only by non-therapists, they may not  
537 inspect establishments owned by licensed massage therapists (exempt establishments).
- 538 • The board can require LMT’s to have a valid identification on them at all times. Valid ID  
539 would be a state or federally issued ID with picture, birthdate, and expiration date. This is to  
540 ensure that the licenses displayed match the massage therapists currently working.
- 541 • The board can create regulations for massage establishment licensing that states that the  
542 primary place of business cannot serve alcohol.
- 543 • The board can require liability insurance for a massage establishment but Ms. Zinn would  
544 like the board to double check that with Ms. Milks at tomorrow’s meeting.
- 545 • The board cannot require therapists working in massage establishments be United States  
546 citizens. They can require that therapists are legally allowed to work in the U.S.

547  
548 *Sber Zinn left the meeting at 2:43 p.m.*

#### 549 550 Agenda Item 14 (continued)      Administrative Business

551  
552 Chair Dave Edwards-Smith directed the board to go back to reviewing application.

#### 553 554 Review Applications (continued)

555  
556 In a motion duly made by Traci Gilmour, seconded by Jill Motz, it was RESOLVED to  
557 ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska  
558 Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by  
559 law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to  
560 remain during Executive Session.

561  
562 *Off the record at 2:44 p.m.*  
563 *Back on record from Executive Session at 3:07 p.m.*

564  
565 *Board member Rebecca McCoy left the meeting at 3:00 p.m.*  
566

567 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
568 call vote noting the absence of Rebecca McCoy, it was RESOLVED to APPROVE the  
569 application for a massage therapist license for Christina Barela.

570  
571 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
572 call vote noting the absence of Rebecca McCoy, it was RESOLVED to APPROVE the  
573 application for a massage therapist license for Kukapuouhaa Gunderson PENDING a  
574 passing score on the MBLEx.

575  
576 In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with  
577 a roll call vote noting the absence of Rebecca McCoy, it was RESOLVED to REFER the file  
578 for K.K. back to Investigations for additional information and further review.

579  
580 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
581 call vote noting the absence of Rebecca McCoy, it was RESOLVED to APPROVE the  
582 application for a massage therapist license for Chad Morgan.

583  
584 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
585 call vote noting the absence of Rebecca McCoy, it was RESOLVED to APPROVE the  
586 application for a massage therapist license for Jeanette Santana.

587  
588 In a motion made by Jill Motz, seconded by Ron Gibbs, and passed unanimously with a roll  
589 call vote noting the absence of Rebecca McCoy, it was RESOLVED to APPROVE the  
590 application for a massage therapist license for Darla Velador.

591  
592 Document Signing

593  
594 Approved meeting minutes for June, September, October, and November 2018 meetings, a wall  
595 certificate for Jayme Powers, and Order of Adoption for Regulations will be send  Chair Dave  
596 Edwards-Smith for his signature.

597  
598 Agenda Item 15 Adjourn or Recess

599  
600 *Chair Edwards-Smith has recessed for the day and will reconvene the meeting at 10:00 a.m. on December 7, 2018.*  
601 *Off the record at 3:39p.m.*

602

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Friday, December 7, 2018

Agenda Item 16 Call to Order/Roll Call

*On the record at 10:04 a.m.*

Board Members present, constituting a quorum:

David Edwards-Smith, Board Chair-Licensed Massage Therapist  
Traci Gilmour, Licensed Massage Therapist  
Ron Gibbs, Licenses Massage Therapist  
Jill Motz, Licensed Massage Therapist  
Rebecca McCoy, Public Member

Division Staff present:

Dawn Dulebohn, Occupational Licensing Examiner  
Greg Francois, Chief Investigator  
Sher Zinn, Regulations Specialist II  
Harriet Dinegar, Department of Law  
Sara Chambers, Acting Director  
Dawn Hannasch, Records and Licensing Supervisor

Observing Telephonically:

Michelle McMullen

Agenda Item 17 Review Agenda

Agenda was reviewed by the board.

**In a motion duly made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a roll call vote, it was RESOLVED to APPROVE the agenda for December 7, 2018.**

Agenda Item 18 Disciplinary Matrix Revision

Chair Edwards-Smith led the board to discuss what was once the “Barrier Crimes Matrix”. He directs the board to change it from “barrier crime” to something that would warrant a mandatory board review. The board determined that a prostitution conviction is a crime that would automatically trigger a Fitness to Practice review.

To clarify, Sara Chambers asked if all items that are listed on the current “Barrier Crimes Matrix” that are not in would be stripped out of the matrix and was given an affirmative by the board. Board member Traci Gilmour suggests starting a matrix from scratch. The board tasked OLE Dulebohn to create a new matrix that will be presented at the next meeting for review and adoption. Ms. Chambers interjects that there is nothing statutorily that allows the board to blanketly deny a license because of a criminal conviction. The board will always have to review the applicants criminal background and apply the new Fitness to Practice process to determine if an individual can



651 practice competently and safely. If the board feels like there is a specific crime that would not allow  
652 an individual to practice competently and safely within a given time frame, that would need to be  
653 addressed in regulation and all its processes.

654  
655 Assistant Attorney General Harriet Milks suggests the board holding off on assigning a time frame  
656 to crimes since they are a relatively new board with not a lot of board experience. She goes on to  
657 state that the board should consider how convictions of certain crimes really do impact the  
658 profession. Ms. Milks goes on to state that the board needs to be aware that taking action against  
659 these prospective licensees based on a previous conviction has to be related to the purposes of the  
660 statute and be consistent. Chair Edwards-Smith replies that the board knows that every applicant  
661 requires due process and goes on to state that the matrix is just a tool for the investigative team and  
662 the board as well as an informational tool for applicants to know the boards expectations.

663  
664 OLE Dulebohn makes the clarifying statement that a Fitness to Practice Review/Interview will be  
665 automatically triggered by the board's initial denial of an applicant that is based on a criminal  
666 conviction.

667  
668 Ethics Courses

669  
670 Board member Traci Gilmour presents some ethics courses that she believes should be included in  
671 every consent agreement for people conditionally licensed that have criminal convictions of moral  
672 turpitude. She talks about the lack of ethics courses by massage therapists and thinks that it should  
673 be part of everyone's continuing education. Ms. Gilmour states that all ethics courses should be  
674 over 3 hours.

675  
676 Chair Edwards-Smith thinks that this is a good point and great information. He references a report  
677 by NCBTMB that itemizes specific subject matter that the board could require be taught instead of  
678 mandating a specific company's class.

679  
680 Board member Ron Gibbs shares that, in his research, most content is fairly universal between all  
681 ethics courses. Ms. Motz wants the board to compile a range of courses that therapists can choose  
682 from, like what the board is doing with continuing education subjects. The Chair tasks the board  
683 with doing further research on ethics courses so that a curriculum can be outlined and approved in  
684 the next board meeting.

685  
686 **Agenda Item 19** **Holding Applications for Background Reports**

687  
688 Chair Edwards-Smith addresses a concern brought up by Division in regard to the board not  
689 reviewing applications until it receives background reports on the applicant. Ms. Motz reminds the  
690 board of a discussion with legal earlier in her board tenure in which it was stated that there was no  
691 mandate requiring the board issue a license without a background report. Ms. Motz goes on to  
692 express frustrations with Division over conflicting information on topics such as the barrier crimes  
693 matrix. Ms. Motz states that the board was previously advised that it is a very lengthy and costly  
694 process to revoke a license once it has been issued so it is a better process to wait for the  
695 background reports before issuing a license.

696  
697 Chair Edwards-Smith frames the board's position on background checks: "The board considers the  
698 practice of licensing massage therapists, after a clear background check, a matter of public safety.

699 The board understands that the intimate and vulnerable nature of clients require a licensed massage  
700 therapist to be competent and safe to practice. The board is doing everything they can to prevent a  
701 case of a client to falling victim to an actor who has not been thoroughly vetted for crimes of moral  
702 turpitude. Waiting for a clear background check is in compliance with AS 08.61.030(9) and (5) gives  
703 the board the tool to complete that.” He goes on to state that (5) gives the power to fingerprint and  
704 goes hand-in-hand with (9) that requires the board to review cases of criminal convictions. Mr.  
705 Edwards-Smith muses that the board cannot determine if a person has committed a crime of moral  
706 turpitude and has been vetted appropriately if (5) and (9) do not go together. In the board’s  
707 interaction with Law on this subject, the board never felt as though it was going against directives.  
708

709 Ms. Milks responds to the Chair by stating that AS 08.61.030(5)(9) are somewhat inconsistent. (5)  
710 states that applicants just need to be fingerprinted and pay the applicable fees and (9) states that the  
711 board shall issue a license to practice massage therapy to someone who has not been convicted of  
712 certain crimes. She goes on to state that the board is correct in its interpretation because it is hard to  
713 know who has been convicted unless the board waits for the background report. Ms. Milks  
714 continues by stating that the board may have a compelling reason to lean more heavily on (9) than  
715 (5). That decision would be a policy call by the board, who has the authority to interpret the statutes  
716 in a way that places more emphasis on (9) than (5). She goes on to state that if the board says their  
717 #1 goal is to protect the public and the board cannot do that unless the persons convicted of crimes  
718 of moral turpitude have been weeded out as a matter of public safety, the board can withhold active  
719 licensure until the background report has been received. Ms. Milks suggests the board revamp 12  
720 AAC 79.130(c) to reflect their valid argument concerning public safety. She goes on to state that the  
721 applicant base be made aware that the board waiting for the background reports may add additional  
722 time to their application processing but it will be something they need to prepare for when applying  
723 for a massage therapist license. To expedite the process, some boards have delegated authority to  
724 their licensing examiner and that is something the board can consider. If the board chooses to  
725 delegate authority, would need to be clearly formulated into regulations.  
726

727 OLE Dulebohn states, for the record, that in the initial licensing period the Department of Public  
728 Safety was returning background checks in an excess of 3 months but, according to her records, in  
729 2018 the Department of Public Safety has been returning background reports within an average of  
730 1-2 months. She goes on to say that when people ask questions about the application process, she  
731 always informs applicants of the background report processing time and encourages them to send  
732 their fingerprint card and fingerprint processing fees in ahead of their application so background  
733 report processing can begin and will not hold up board review. The board requests OLE Dulebohn  
734 to craft and post a FAQ on fingerprint processing and the reasoning behind sending the cards in  
735 early.  
736

737 Ms. Motz joins the conversation by stating that though it may be frustrating to applicants, most  
738 professions that require background reports do not work with vulnerable populations that may find  
739 themselves in various stages of undress. Being that the board considers public safety to be of the  
740 utmost importance, she does not think it unreasonable that therapists performing services be  
741 thoroughly vetted before being released on the public. Ms. Chambers responds by stating that she  
742 wanted an open dialogue with the board, on the record, to explain and understand why they are  
743 operating differently than any other licensing program that requires fingerprinting. In her research,  
744 Ms. Chambers found no board vote or action that clearly laid out the board’s reasoning for not  
745 reviewing applications until a background report has been received by Division. Without having the  
746 board’s position clearly laid out, the Division cannot properly respond to concerns from applicants,

747 governor's office, ombudsman's office, or legislators. Ms. Chambers goes on to state that, with the  
748 board making this distinction on the record, Division can now respond to inquiring authoritative  
749 bodies and applicants that the board has the right to make these decisions, the process was logically  
750 considered, they have the authority to make such decisions, and have instructed staff to process  
751 applications in this way.

752  
753 Board Chair Edwards-Smith requests council from Ms. Chambers on language for a position  
754 statement about fingerprint processing and background checks in regard to application review by the  
755 board. With permission from Ms. Chambers, Ms. Milks answers the Chair's question by advising  
756 the board to make a statement on their website, inform applicants in whatever means possible, but  
757 whenever the board does something that will have an impact on the general public and licensees in  
758 general, ultimately the decision should be made into a regulation. She goes on to say that it is  
759 particularly important with the unclear statutes so the public knows how the board is harmonizing  
760 the two sections. Ms. Milks recommends that the board look into amending 12 AAC 79.130(c) to  
761 make their position clear that the application process will process, however, the license will not be  
762 issued until the criminal background check is received. Going through this process will assure  
763 applicant's that their application is not being "stalled" pending receipt of background reports.

764  
765 Ms. Motz asks questions about DPS's timeframe of processing background reports from fingerprint  
766 cards. OLE Dulebohn informs her that there is no timeframe and it would depend on DPS's  
767 workload on any given day. Ms. Motz suggests that schools send in their student's fingerprint cards  
768 up to 3 months ahead of graduation to allow for background report processing times. OLE  
769 Dulebohn replies that, although an FAQ may be valuable to students too, more often the not, the  
770 people upset by the time that background reports take are persons applying by credentials.  
771 Applicants applying by Credentials often move to Alaska before applying for licensure and are  
772 inundated with the stress of moving to a new state, not having any income, and not understanding  
773 the hold-up that background check processing presents.

774  
775 Public board member Rebecca McCoy asks why the board doesn't have a time frame for application  
776 processing stated in statute or regulation and why there is no temporary licensing? OLE Dulebohn  
777 responds that there is no timeframe for application processing because there are many factors  
778 outside of the control of the applicants, staff, and board. Exam scores, transcripts, and license  
779 verifications must come directly from the school or agency and background reports must come from  
780 the Department of Public Safety. OLE Dulebohn goes on to state that the reason there are no  
781 temporary licenses for massage therapists is because that would not line up with the board's primary  
782 concern (which is to protect public safety).

783  
784 Board member Ron Gibbs reminds everyone that the board has had incompetent licensing  
785 examiners in the past that the board trusted to follow statutes and regulation by approving  
786 applications pending a clear background check. That examiner instead issued licensed without  
787 background reports being received by Division. Though Mr. Gibbs acknowledges that the board  
788 has a different caliber of examiner now, they will never know who the state will assign their board as  
789 a license examiner in the future. Chair Edwards-Smith thanks Mr. Gibbs for his insight and recalls  
790 that licenses being issued by previous examiners was actually a ding on the board's last audit/sunset  
791 review. The Chair goes on to interpret that if the auditor construed the act of issuing a license  
792 without a background report as a negative, that reinforces the board's position that background  
793 reports should always be received before licenses are issued to an applicant.

794

795 The board discusses the language it would like to present for a position statement on how  
796 background reports impact the application process. To allow crafting of the position statement  
797 language, the Board Chair calls for a short break.  
798

799 *Off the record at 11:12 a.m.*

800 *Back on the record at 11:19 a.m.*  
801

802 **In a motion made by Traci Gilmour, seconded by Ron Gibbs, and passed unanimously with**  
803 **a roll call vote, a position statement was ADOPTED that, in the interest of public safety, the**  
804 **Board of Massage Therapists will consider an application file incomplete and not**  
805 **reviewable by the board until a state and national criminal history background report has**  
806 **been received by Division.**  
807

808 The board would like to clarify that the administrative processing of applications will continue up  
809 until the background report has been received by Division and that incomplete applications impact  
810 the date on which the board will review completed applications. Staff will still process incoming  
811 documents and send status updates prior to background reports being received.  
812

813 Board Chair Edwards-Smith asks for council from AAG Harriet Milks on language to the suggested  
814 amendment to regulation 12 AAC 79.130(c). Ms. Milks asks the board to proceed as scheduled  
815 while she considers the request.  
816

817 **Agenda Item 5 (continued) Review Previous Task Lists**  
818

819 Traci Gilmour takes the break in schedule as an opportunity to address the board on an incomplete  
820 item on the task list. Ms. Gilmour was supposed to contact the fire marshal concerning inspections  
821 and thought she did not contact them, she did research some of the codes and consulted  
822 Regulations Specialist Sher Zinn on the subject. Her research led to a blanket statement that the  
823 board could use stating that according to AS 08.10.170 that all establishments and therapists must  
824 abide by fire safety codes in Alaska. That statement would also need to include all local fire and  
825 safety codes as well.  
826

827 **Agenda Item 19 (continued) Holding Applications for Background Reports**  
828

829 Ms. Milks signals the board that she has prepared possible language regarding an amendment of 12  
830 AAC 79.130(c). Ms. Milks reiterates that this language is subject to the full and complete public  
831 process. She feels the language is reasonable and supported by the board's expression of its position  
832 regarding application processing and background reports. The board hears the suggestion and find  
833 that the language is clear and concise and moves forward with a motion.  
834

835 Chair Edwards-Smith takes advice from Sara Chambers on moving the lunch break up from 1:00  
836 p.m. Shortly thereafter the Chair had technical difficulties disconnecting him from the meeting so  
837 the board decided to break for lunch earlier than originally anticipated.  
838

839 *The board breaks for lunch. Off the record at 11:37 a.m.*

840 *Back on the record at 12:47 p.m.*  
841

842 **Agenda Item 19 (continued) Holding Applications for Background Reports**

843

844 *In attendance are Sara Chambers, Dawn Hannasch, Harriet Milks, Greg Francois, Traci Gilmour, Rebecca*  
845 *McCoy, Ron Gibbs, Jill Motz, and David Edwards-Smith.*

846

847 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
848 **roll call vote, it was RESOLVED to AMEND 12 AAC 79.130(c) to read: “The request under**  
849 **(b) of this section for a criminal justice information report does not delay administrative**  
850 **processing of the applicant’s license application” and INSERT “an application will not be**  
851 **considered complete until the criminal justice information required in (a) is received by the**  
852 **board.”**

853

854 Chair Edwards-Smith will complete the Regulation Changes Questionnaire that needs to accompany  
855 this regulation project and submit it after the meeting concludes.

856

857 **Agenda Item 20** **Massage Establishment Licensing (M.E.L.)**

858

859 *Michelle McMullen joins the meeting telephonically at 12:54 p.m. to observe.*

860

861 Ms. Chambers reveals to the board that with the departure of Director Janey McCullough and her  
862 being made Acting Director, she has made herself more familiar with current legislation. In  
863 preparation for the meeting earlier this week, Ms. Chambers discovered something concerning in the  
864 HB 110 legislation passed in 2018 so she sought a consultation with Harriet Milks and others in the  
865 Department of Law. Ms. Chambers regrets to inform the board that the statute that was passed  
866 does not give the board the authority to license massage establishments.

867

868 The statute passed gives the board the authority to regulate massage establishments but there is  
869 nothing in the statute that specifically said the board could set a barrier or threshold to entry (which  
870 is licensure). Ms. Chambers conducted research, read through all the minutes from legislative  
871 committees and applicable documentation, and found there was a very clear assumption and  
872 expectation on the part of the board, division director, and legislators participating on those  
873 committees. However, the actual wording of the statute does not give the board the authority to  
874 license massage establishments.

875

876 Ms. Chambers proposes the following options moving forward:

877 1. Since the board has done extensive work on the licensing regulations and the intent of the  
878 legislature was clear, the board should proceed in the planned discussion for today and work  
879 on moving the process forward. The board still has the ability and expectation to regulate  
880 massage establishments on July 1, 2019. The board can just pull back on the licensing  
881 aspects moving forward.

882 2. The board can work quickly to secure a legislative sponsor before the 2019 legislative session  
883 that would propose legislation on the board’s behalf. The sponsor would ask to amend the  
884 2018 legislation to read “licensure and regulation of massage establishments” and allow it to  
885 move forward in the legislature. There would be no need for a fiscal note since there would  
886 be no change from last year from what was expected and adopted. If it all worked out, the  
887 original implementation date of July 1, 2019 could stand.

888

889 Ms. Chambers concluded her monologue by apologizing to the board and offering her and Ms.  
890 Milks services in helping the board move forward. Ms. Milks adds that it may look to some that the

891 new statute giving the board the authority to regulate massage establishments is the same as licensing  
892 but it really is not because, if you are not issuing a license, there is no license for the board to revoke  
893 as a consequence of actions if they misbehave. She believes that the board should move forward  
894 with amending the statute for the board to gain licensing rights for massage establishments.  
895

896 Chair Edwards-Smith begins the conversation by asking how it was possible to regulate  
897 establishments without licensing. He muses by stating that the board would need to define what a  
898 massage establishment is and disciplinary sanctions associated with that would need to be a fine  
899 since the board could not take away their right to be in business without them having a license. Ms.  
900 Milks agrees with the Chair's summation of the situation. The board can issue an approval or  
901 endorsement and discipline through fines but without the statutory authority to license, there is no  
902 license to revoke as a disciplinary action. The Chair goes on to ask of Ms. Milks whether the board  
903 will still have the authority to inspect properties for compliance with regulations. Ms. Chambers  
904 replies that having the authority to regulate gives the board ability to state what can and cannot  
905 happen in a massage establishment. She goes on that it would seem reasonable that the board be  
906 able to investigate establishments to ensure the standards outlined in regulation are being met.  
907

908 Ms. Chambers explains to the board that authority to license cannot exist without regulation but  
909 regulations can exist without the power to license because licensing is an entry to practice. As it  
910 stands, anyone can have a massage establishment, but in doing so must abide by the board's  
911 statutory ability to set regulations during the course of providing massage therapy services. She  
912 expands by saying that the current statute doesn't give the board a license to take away but it allows  
913 the board to set standards for that faction of the industry. The Chair surmised that having only  
914 regulatory power eliminates the application process but does not eliminate the board from  
915 addressing a situation at a massage establishment, should it arise. Ms. Chambers goes on to say that  
916 by the board defining a massage establishment, it will clear the way for enforcement of regulation in  
917 the same way that the board defined who and who was not a massage therapist.  
918

919 Ms. Chambers continues the conversation by stating that the board could require registration of  
920 massage establishments even though there would be no criteria for entry. A possible trigger to that  
921 registration is obtaining a business license for a massage establishment. Another program that has  
922 registration in lieu of licensing is the Board of Chiropractic Examiners who has the ability require  
923 registration of assistants and interns.  
924

925 The Chair and Ms. Chambers discuss whether the board wants to enact dual requirements for  
926 establishments concerning massage establishment registration. The Chair reflects that the reason for  
927 exemption (when there was going to be establishment licensing) was to spare qualified health care  
928 professionals the application process and cost but if there is no longer an application process and  
929 fee, exemptions are a moot point.  
930

931 *Sher Zinn joined the meeting at 1:06 p.m.*  
932

933 The board expresses their disappointment and frustration at the news that they do not have the  
934 authority to license massage establishments. They have worked very hard for so long to get  
935 legislation passed to license establishments, were told they have been granted the correct legislation,  
936 and have been working on regulations for establishment licensing for months only to be told they  
937 have wasted their considerable amounts of their personal time and money as well as the board's  
938 time.

939  
940 Mr. Gibbs informs the board that he fails to see the similarities of what the chiropractors have done  
941 with registering assistants and what the massage board is trying to do with establishments. Mr.  
942 Gibbs goes on to say that the board's goal was to shut down illegal business and hinder human  
943 trafficking. Mr. Gibbs states that those goals are not the same as a profession wanting to have  
944 employees that work under the guidance of their licensees. He expresses that if the board is not  
945 going to be able to license establishments as they set out to do then the board should seek out  
946 advice on how to just not regulate establishments at all. Ms. Chambers replies to Mr. Gibbs with  
947 sympathy and understanding for his feelings and concerns. She does not know why this error was  
948 not caught by the legislators or the legislative legal team but she reiterates that what the Division can  
949 do now is help the board figure out how it would like to move forward with the legal authority it has  
950 been granted or getting the statutory authority to license if that is something the board wants to  
951 pursue.

952  
953 Ms. Milks, through Sara Chambers, reminds the board that with regulatory authority, the board can  
954 fine, send cease and desist letters, and inspect properties which are sufficient tools too achieve their  
955 goals of assisting law enforcement in hindering human trafficking. Ms. Chambers reminds the board  
956 that they are not a law enforcement body and will never be able to shut down human trafficking in  
957 Alaska. What the board does have is the ability to alert law enforcement of things untoward in the  
958 industry by being a screening tool. The Chair replies that the board is aware of the board's role with  
959 law enforcement but felt like licensing to allow inspections would give authorities access to enforce  
960 human trafficking violations that otherwise may not be discovered. Chair Edwards-Smith goes on  
961 to state that the disclosure that the board does not have the authority to license establishments may  
962 be a good thing because it would greatly decrease the costs to the board with the removal of the  
963 application process. He feels that as long as the board has the authority to regulate and inspect  
964 establishments, the tools will still be in place for the board to have a positive impact on public safety  
965 and human trafficking.

966  
967 Ms. Motz joins the conversation to express her differing opinion. She feels like the board set out to  
968 both license and regulate massage establishments. Ms. Motz worries that regulating establishments  
969 without the bees generated by applications for licensure will be a financial burden to massage  
970 therapists. She wants to know what the board is obligated to have done by July 1, 2019 and she  
971 wants to know where the board went wrong in their lobbying efforts. Ms. Motz laments that the  
972 board members spent a lot of their personal time away from their families and businesses (which  
973 equates to personal income lost) while striving to get this legislation passed with the assumption that  
974 Division and/or the legal team were supporting the board in their mission. She echoes Mr. Gibbs  
975 sentiment that the board give up on anything relating to establishment licensing and asks if that is a  
976 viable option for the board at this point.

977  
978 Chair Edwards-Smith acknowledges the boards concerns but states that he would like to begin to  
979 move forward to complete some of the tasks at hand concerning regulation of massage  
980 establishments. He would like to have the board consider what the definition of massage  
981 establishment is and the requirements the board needs to establish in regulation. The Chair states  
982 that the board should look for the tools it will use in the event of a complaint and/or an inspection.  
983 Finally, he wants the board to think of what the disciplinary matrix will be for establishments.

984  
985 Mr. Gibbs digresses from the Board Chair's direction wanting an answer for Ms. Motz questions  
986 about what the revenue source will be for regulating massage establishments. Mr. Gibbs references

987 what the board's investigative costs were for massage therapists and worries about what the  
988 immense cost will be to the board once investigations start doing inspections of establishments. He  
989 renews his interest in rescinding the amendment to House Bill 110 that relates to massage  
990 establishment. Ms. Motz joins the conversation with the concern of the new governor's possible  
991 take on a bill that regulates Alaska businesses. She believes the board should have a better  
992 understanding of the new administration before they entertain the possibility of going back to the  
993 legislature and sacrificing more of their personal time and money. Ms. Motz want to know what the  
994 board's minimum obligations are concerning the bill at this time.  
995

996 Ms. Chambers replies to the board's questions and concerns starting with the law that says that the  
997 board shall adopt regulations governing massage therapy establishments. She informs the board that  
998 the next legislative audit will look for evidence that the board adopted regulations pertaining to  
999 massage therapy establishments. She goes on to say that there is nothing that says the board has do  
1000 anything on July 1, 2019. Ms. Chambers continues that previously it was planned that the board  
1001 would have a pathway to licensure for establishments by July 1<sup>st</sup>. Without authority and that  
1002 expectation not being stated in statute, the board does not have to have anything ready on July 1<sup>st</sup>  
1003 but they have the ability. Ms. Chambers goes on to state that this means that nothing has to change  
1004 concerning massage establishments and that things will only change by the board adopting new  
1005 regulations governing those establishments.  
1006

1007 Ms. Chambers next guides the board to fee setting abilities under administrative purview under AS  
1008 08.61.090 says that "the department shall set fees under our fee setting statute for applications,  
1009 license issuance, license renewal, and investigation under this chapter." She goes on to explain that  
1010 investigative fees can be set under statute and she would like to have a conversation in the future  
1011 with legal counsel about setting those fees for establishments so the board may use fees as a revenue  
1012 source to cover legitimate expenses.  
1013

1014 Traci Gilmour asks the Chair for the opportunity to express her thoughts on this situation for the  
1015 record. She confirms with Ms. Chambers that the only word missing out of HB 110 is "license."  
1016 Ms. Gilmour expresses frustration at the amount of personal time that she took to lobby the  
1017 legislature to get HB 110 passed. She expresses severe disappointment in everyone who counseled  
1018 the board in this matter. Ms. Gilmour regrets that the board will not be able to complete their  
1019 commitment to the City of Anchorage and the Federal Bureau of Investigations in licensing massage  
1020 establishments. Ms. Chambers responds to Ms. Gilmour by reiterating that the board has the  
1021 authority to regulate establishments which will allow them to identify establishments and set  
1022 standards for what is happening within them. Ms. Chambers feels that the board lacking licensure  
1023 for establishments does not do anything for criminal law enforcement. Ms. Chambers recalls a  
1024 meeting she had with the Municipality of Anchorage (prior to the formation of the massage board)  
1025 in which they admitted not knowing which establishments are out there. She continues by saying if  
1026 the board can provide a list to the interested parties through registration of establishments, they  
1027 would be amassing a body of information that, through the Chief Investigator and his team, can  
1028 work with municipal, state, and federal law enforcement. Mr. Edwards-Smith interjects that if the  
1029 board can still complete the same goals without the licensing process, then he feels that is what the  
1030 board needs to move forward with achieving. Ms. Chambers agrees that though they may look  
1031 different, completing these goals will give a sense of peace to the board. Ms. Chambers reassures  
1032 the board that she and Ms. Milks will provide adequate assistance to complete those goals effectively  
1033 and efficiently. Ms. Chambers mentions that the medical board also has persons that are not



1034 federally required to be licensed but they have been authorized to keep a registry in order to know  
1035 who is practicing medicine legally in the state.

1036  
1037 Ms. Milks weighs in on the conversation to say that she agrees with everything that Ms. Chambers  
1038 said to the board and reiterates that the board still has a statute that says the board shall regulate  
1039 massage therapy establishments. The board's job now is to put on the record, discuss, and  
1040 accumulate all the regulations they would be normally discussing, except for licensure.

1041  
1042 *Dawn Hannasch left the meeting at 1:51 p.m.*

1043  
1044 OLE Dulebohn asked the board, for the record, if they were willing to pursue sponsorship to  
1045 amend the current bill to add the word "license". The board responded that it was not willing to  
1046 entertain such notion at this time. Ms. Motz asks the board to entertain the thought of stepping  
1047 back from the establishment regulations to allow Division to discuss topics brought up during this  
1048 meeting and allow the board to regroup.

1049  
1050 OLE Dulebohn informs the board that if they will not be introducing legislation for 2019, their  
1051 request to have their February 28- March 1, 2019 meeting in Juneau will most likely not be approved  
1052 due to its considerable cost over meeting in Anchorage. Ms. Motz, Ms. Gilmour, and Mr. Gibbs do  
1053 not necessarily oppose the introduction of legislation for 2019, they just do not want to discuss the  
1054 topic now.

1055  
1056 Ms. Gilmour states that she is willing to work on massage establishment definition and asks Ms.  
1057 Chambers to advise the board as to what is absolutely necessary for the board to complete in the  
1058 next few months. Ms. Gilmour continues that there is a responsibility for the board to meet in  
1059 Juneau if for no other reason to update their legislators on what is happening with the board and  
1060 build relationships for future endeavors.

1061 Public board member Rebecca McCoy comes forward to ask the board how they plan to compel  
1062 massage establishments to voluntarily register. Ms. Chambers respond that there is a law in place  
1063 that lets establishments know they will be regulated. People applying for or renewing a business  
1064 license will have to first register with professional licensing and there will be a wide net cast with  
1065 applicable professions to ensure everyone is informed of the current registration requirements. The  
1066 board continues to discuss possibilities for grace periods, what would be involved in searching for  
1067 massage establishments, human trafficking tactics, and ways to encourage establishment owners to  
1068 come forward to register. Ms. Gilmour asks Ms. Chambers and Ms. Milks if a board member could  
1069 walk into an establishment and compel them to comply with statute and the answer is a resounding  
1070 "no".

1071 The board recognizes that they put other regulations projects on hold in anticipation of sending out  
1072 all projects together. Since there will be no draft regulations for massage establishment licensing  
1073 sent to the Regulations Specialist today, the board decides to send the already approved draft  
1074 regulations out for public comment and/or formatting of language.

1075

1076 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
1077 **roll call vote, it was RESOLVED to send In-Class Supervised & Code of Conduct draft**  
1078 **regulations out for public comment.**  
1079

1080 Ms. Chambers suggests that the board create a framework that she and Ms. Milks could review for  
1081 massage establishment regulations. Ms. Milks advises the board to use broad categories such as  
1082 hours, physical establishment requirements, inspections, etc. and she reminds them that the specifics  
1083 will be worked out later when they go to Regulations Specialist Zinn. When Ms. Milks and Ms.  
1084 Chambers receive the board's list, they will go through and see how they work with regulations,  
1085 what recourse the board has for person's not following regulation, investigative fees, and whether a  
1086 fee can be assessed for registration.

1087  
1088 *Missus Chambers, Milks, and Zinn left the meeting at 1:59 p.m.*  
1089

1090 *The Chair called a short break. Off the record at 2:00 p.m.*  
1091 *Back on the record at 2:05 p.m.*  
1092

1093 *Greg Francois left the meeting at 2:06 p.m.*  
1094

1095 The board discusses items to include in regulations for massage establishments. Ms. Motz revisits  
1096 whether therapists will be exempt from establishment regulation to which the Chair responded that  
1097 no longer matters as the purpose of exemption was to exclude therapists from the licensing  
1098 application process and cost, which no longer exists. Ms. Motz and Gilmour disagree and insist  
1099 that the wish list requires exemptions. Ms. Gilmour states that she doesn't want to insult businesses  
1100 owned by a licensed massage therapist or on the exemption list to make sure they are not illicit. Ms.  
1101 McCoy joins the conversation by asking if all the board members are sole proprietors of their  
1102 massage business to which they all agree they are (Ms. Motz's business is a LLC). Ms. McCoy  
1103 continues by asking the board if they feel that they are biased because they have a special interest being  
1104 that they are all massage therapists that own their own businesses. Ms. Gilmour explains that the  
1105 board does not want to include LMT owned businesses in establishment regulation because they are  
1106 already bound by the statutes and regulations of the Board of Massage Therapists. Ms. McCoy goes  
1107 on to state that, as a licensed esthetician and a shop owner, if she chooses to rent space to someone,  
1108 that person is required to have their own business license. Ms. McCoy feels like if the Board of  
1109 Massage Therapists require owners of a location to get a registration to allow a licensed massage  
1110 therapist to work under their roof, people will not rent to massage therapists. Ms. Motz explains  
1111 that the board's intention with the introduction of this legislation, was not to burden legitimate  
1112 massage therapists with too much regulation. The board's aim is to hold independent contractors  
1113 that are not massage therapists, legally responsible for their actions regarding human trafficking. Ms.  
1114 McCoy reminds the board that while massage therapists are under the blanket jurisdiction of the  
1115 board, their establishments are not. To exclude massage therapist owned establishments from  
1116 regulation would be to relinquish control over regulating their establishment as the massage therapy  
1117 license is not the same as the new regulation passed in 2018. Mr. Gibbs agrees that some of the

1118 items that the board wants to regulate through massage establishment and hold persons accountable  
 1119 for such as locking doors, inspections, sexual conduct, and dress are not authorized by statute for  
 1120 massage therapists. He continues that if a therapist is working out of their house, what's the  
 1121 difference between that and paying rent somewhere? Mr. Gibbs feels there is a legal question to be  
 1122 addressed here by LAW. At the end of the conversation, the board was still divided on whether  
 1123 LMT's will have to register under the new massage establishment regulations.

1124

1125 Possible Working Definition of Massage Establishment

- 1126 1. performs massage therapy as per statute for compensation
- 1127 2. a fixed place of business of two or more individuals or of a partnership, firm, association,  
 1128 corporation, or business entity or any other combination of individuals which:  
 1129 a. Uses the word massage in any solicitation or advertisement  
 1130 b. Engages in, conducts, carries-on or permits massage or massage therapy to be conducted  
 1131 or carried on for money or other consideration.
- 1132 3. Anyone who houses a massage therapist (who is not a massage therapist), whether the  
 1133 spaces are loaned, leased, or rented.

1134

1135 Establishment Wish List

- 1136 1. Random inspection/legal access to establishments
- 1137 2. Operations requirements (reference #4 from previous meeting)
- 1138 3. Registry of establishment and/or self- inspection
- 1139 4. Massage workers in establishment
- 1140 5. Can the definition not include business owned by licensed massage therapists?
- 1141 6. Fee setting ability for investigation (to generate revenue)
- 1142 7. Can there be a registration fee?

1143

1144 Ms. Gilmour asks how the board can more effectively communicate with division and LAW to  
 1145 avoid issues like these in the future? OLE Dulebohn reminds the board that things sometimes get  
 1146 missed through no one person's fault. Board members testified, legislators reviewed, legal staff read,  
 1147 and no one caught this oversight because everyone had the same intention to allow the board the  
 1148 authority to license massage establishments.

1149

1150 Agenda Item 14 (continued) Administrative Business

1151

1152 **In a motion made by Traci Gilmour, seconded by Jill Motz, and passed unanimously with a**  
 1153 **roll call vote, it was RESOLVED to APPROVE Anchorage as an alternate location for the**  
 1154 **February 28- March 1, 2019 meeting (if Juneau is not approved).**

1155

1156 New Task List:

**TASK LIST**

**December 6-7, 2018**

#	Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
---	------	------------------	-----------------------	--------------------------	-----------

1	Get comparable cases for other programs with the same number of licensees on how many INV cases are pending/ have been referred	Sonia Lipker	Before March 2019 meeting	Yes, via OnBoard	
2	Create and post FAQ on CE date range for 2019 renewal and beyond. (Send mass e-mail to licensees)	Dawn	Before March 2019 meeting	Yes, via OnBoard	
3	What are the 3088- Inter-Agency Legal, 3094- Inter-Hearing/Mediation, 3100- Inter- Agency Safety?	Marylene/Charles	ASAP	In December meeting	
4	Comparable data for Investigative and Administrative Hearing costs for 2016, 2017, 2018	Marylene/Charles	ASAP	In December Meeting	
5	Letter to NCBTMB to ask about qualifications for instructors and classes	Dave	Before March 2019 meeting	Yes, via OnBoard	
6.	Create/Post an FAQ about how licensees may report/complain about unsatisfactory CE courses	Dawn	Before March 2019 meeting	Yes, via OnBoard	
7	Legality of asking for an applicant "handler's" ID. Affidavit of someone helping to fill out application (included in application)	Dawn- to LAW	Before March 2019 meeting	Yes, via OnBoard	
8	Does the board have the statutory ability to define "compensation" for MEL regulations	Dawn- to LAW	Before March 2019 meeting	Yes, via OnBoard	
9.	Create/Post FAQ about why background reports are fingerprint card generated	Dawn	Before March 2019 meeting	Yes, via OnBoard	
10.	Contact applicants denied because of criminal convictions (have not gone through ALJ process) to ask if they want their applications reconsidered.	Dawn	Before March 2019 meeting	Yes, via OnBoard	
11	Craft reply to Hollstein correspondence explaining why grandfathering in is no longer an option, that he should apply by exam, and that there are study materials available for MBLEx	Dawn	Before March 2019 meeting	No.	
12	Create/Post FAQ for CBD oil usage w/ links provided by DNR and AMCO. Include a SOP reference. Include on mass e-mail.	Dawn	Before March 2019 meeting	Yes, via OnBoard	
13	Create/Post FAQ about sexual advertising	Dawn	Before March 2019 meeting	Yes, via OnBoard	
14	Update Disciplinary Matrix 1. Remove items not in definition 2. Remove "barrier"- insert automatic FTP 3. Clean up/update according to 23 moral turp. regs	Dawn/Sara/Hannasch	Before March 2019 meeting	Yes, via OnBoard	

15	Research on Ethics Courses- Curriculum	Board/Traci	Before March 2019 meeting	Yes, via OnBoard
16	Create/Post FAQ on the importance of sending your fp card early and the reasoning behind it.	Dawn	Before March 2019 meeting	Yes, via OnBoard
17	Complete Regulations Questionnaire for 12 AAC 79.130 change	Dave	ASAP	No
18	Send regulations projects from December meeting to Sher	Dawn	ASAP	No
19.	Send message establishment regulations "wish list" to Sara and Harriet	Dawn	ASAP	No
20.	Send framework on Massage Establishment regulations to Board	Sara/ Harriet	ASAP	Yes, via OnBoard
21	Submit individual questions on massage establishment regulations for Harriet	Board	ASAP	No.
22	Look at other states definition on what is and is not a massage establishment.	Board	Before March 2019 meeting	Yes, via OnBoard
23	Contact Investigations about licensees breaking the law by offering CBD oil massage	Dawn	ASAP	No.
24.	Send the questions asked by the board to LAW/Regulations Specialist with answers to board members	Dawn	ASAP	Yes, via e-mail.
25.	Can an ethics course be required in continuing education regulation	Dawn	Before March 2019 meeting	Yes, via e-mail
26.	Create/Post an FAQ on the application process with timelines	Dawn	Before March 2019 meeting	Yes, via e-mail
27.	Send samples of correspondence sent to applicants (status updates, sent to INV, ect) to board for general knowledge	Dawn	Before March 2019 meeting	Yes, via e-mail
28.	Ask Sara about: 1. Possible conflict of interest in exempting sole proprietors 2. Can there be a registration fee for massage establishments?	Dawn	Before March 2019 meeting	Yes, via e-mail

1157

1158 At this time, the board concluded all scheduled Board Business.

1159

1160 **Agenda Item 23** **Adjourn**

1161

1162 **In a motion made by Jill Motz, seconded by Traci Gilmour, and passed unanimously, it was**

1163 **RESOLVED to adjourn.**

1164  
1165 Hearing nothing further, Chair David Edwards-Smith adjourned the meeting and the record ended  
1166 at 2:49 p.m.

1167  
1168 **Respectfully Submitted,**

1169  
1170  
1171  
1172 \_\_\_\_\_  
1173 **Dawn Dulebohn, Licensing Examiner**

\_\_\_\_\_  
**Date**

1174  
1175  
1176  
1177 \_\_\_\_\_  
1178 **David Edwards-Smith, Boards Chair**

\_\_\_\_\_  
**Date**

DRAFT

# Old Business

# Previous Task List



## **TASK LIST**

December 6-7, 2018

Task	Who to complete?	When is the deadline?	Distribute to the Board?	Completed
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Comparable data for Investigative and Administrative Hearing costs for 2016, 2017, 2018	Marylene/Charles	ASAP	In December Meeting	
Letter to NCBTMB to ask about qualifications for instructors and classes	Dave	Before March 2019 meeting	Yes, via OnBoard	
Create/Post an FAQ about how licensees may report/complain about un-satisfactory CE courses	Dawn	Before March 2019 meeting	Yes, via OnBoard	
Legality of asking for an applicant "handler's" ID. Affidavit of someone helping to fill out application (included in application)	Dawn- to LAW	Before March 2019 meeting	Yes, via OnBoard	
Does the board have the statutory ability to define "compensation" for MEL regulations	Dawn- to LAW	Before March 2019 meeting	Yes, via OnBoard	
Create/Post FAQ about why background reports are fingerprint card generated	Dawn	Before March 2019 meeting	Yes, via OnBoard	
Contact applicants denied because of criminal convictions (have not gone through ALJ process) to ask if they want their applications reconsidered.	Dawn	Before March 2019 meeting	Yes, via OnBoard	
Craft reply to Hollstein correspondence explaining why grandfathering in is no longer an option, that he should apply by exam, and that there are study materials available for MBLEx	Dawn	Before March 2019 meeting	No.	
Create/Post FAQ for CBD oil usage w/ links provided by DNR and AMCO. Include a SOP reference. Include on mass e-mail.	Dawn	Before March 2019 meeting	Yes, via OnBoard	
Create/Post FAQ about sexual advertising	Dawn	Before March 2019 meeting	Yes, via OnBoard	

Update Disciplinary Matrix 1. Remove items not in definition 2. Remove “barrier”- insert automatic FTP 3. Clean up/update according to 23 moral turp. regs	Dawn/Sara/Hannasch	Before March 2019 meeting	Yes, via OnBoard	
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Send framework on Massage Establishment regulations to Board	Sara/ Harriet	ASAP	Yes, via OnBoard	
Submit individual questions on massage establishment regulations for Harriet	Board	ASAP	No.	
Look at other states definition on what is and is not a massage establishment.	Board	Before March 2019 meeting	Yes, via OnBoard	
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Ask Sara about: 1. Possible conflict of interest in exempting sole proprietors 2. Can there be a registration fee for massage establishments?	Dawn	Before March 2019 meeting	Yes, via e-mail	

**From:** [Jacobs, Carl A \(CED\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** RE: Board Meeting Follow-Up  
**Date:** Tuesday, December 11, 2018 2:19:00 PM

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Dawn,

The first item below, here is some information, as requested:

- Mechanical Administrators have 454 licensees, and there have been two cases opened within the last year
- Underground Storage Tank Workers have 58 licensees, and no investigations within the last year.
- Professional Counselors have 1,109 licensees, and there have been 14 cases opened within the last year.
- Real Estate Commission has 2,691 licensees and opened approximately 40 cases within the past year.
- Massage Therapy has 1,214 licensees and opened approximately 40 cases within the past year.

Let me know if you think the board needs, or would like more data.

Carl Jacobs  
Investigator  
Department of Commerce, Community, and Economic Development  
Division of Corporations, Business, and Professional Licensing  
550 West 7<sup>th</sup> Ave, Suite 1500  
Anchorage, AK 99501  
P. 907-269-0056  
F. 907-269-8195  
[carl.jacobs@alaska.gov](mailto:carl.jacobs@alaska.gov)

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**From:** Dulebohn, Dawn L (CED)  
**Sent:** Tuesday, December 11, 2018 1:24 PM  
**To:** Jacobs, Carl A (CED) <[carl.jacobs@alaska.gov](mailto:carl.jacobs@alaska.gov)>  
**Subject:** RE: Board Meeting Follow-Up

Hi Carl,

It's totally fine. Sonia stepped in and it seemed to be a pretty light load day, case wise.

1. I have the information on LMT's in Alaska: 1214. If you want, I can tell you how to find that information on the Portal in the future.
2. The reviewing board member's decision is a recommendation presented to the board. If the board disagrees with the recommendation, it has the ability to alter it. Investigator Lipker was

**Annual Report  
Fiscal Year 2018**

**INVESTIGATIONS**

**July 2018**



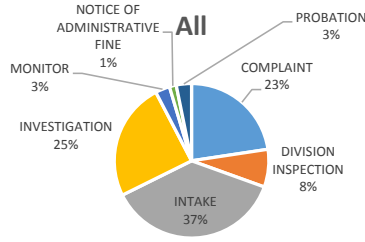
**DIVISION OF CORPORATIONS, BUSINESS AND  
PROFESSIONAL LICENSING**

**This Annual Performance Report is presented in accordance with Alaska Statute  
08.01.070(1) and Alaska Statute 37.07.080(b).**

**Its purpose is to report the accomplishments, activities, and the past and present  
needs of the licensing program.**

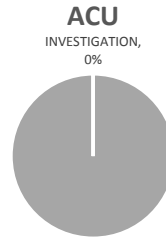
**Total Investigative Activity (ALL)**

COMPLAINT	284	23%
DIVISION INSPECTION	99	8%
INTAKE	467	37%
INVESTIGATION	310	25%
MONITOR	38	3%
NOTICE OF ADMINISTRATIVE FINE	18	1%
PROBATION	40	3%
<b>Total</b>	<b>1,256</b>	
<b>License Actions</b>	<b>221</b>	



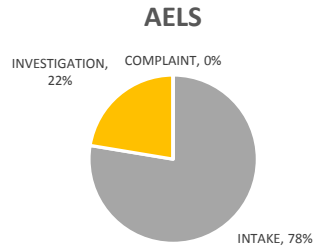
**Acupuncture (ACU)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	1	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>1</b>	
<b>License Actions</b>	<b>-</b>	



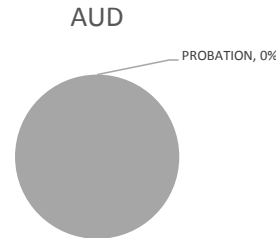
**Architects, Engineers & Land Surveyors (AEELS)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	52	78%
INVESTIGATION	15	22%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>67</b>	
<b>License Actions</b>	<b>2</b>	



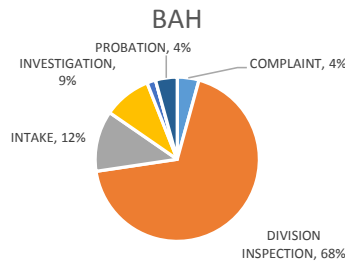
**Audiologists (AUD)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	1	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>1</b>	
<b>License Actions</b>	<b>-</b>	



**Barbers and Haidressers (BAH)**

COMPLAINT	5	4%
DIVISION INSPECTION	80	68%
INTAKE	14	12%
INVESTIGATION	11	9%
MONITOR	2	2%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	5	4%
<b>Total</b>	<b>117</b>	
<b>License Actions</b>	<b>11</b>	



**Behavior Analysts (BEV)**

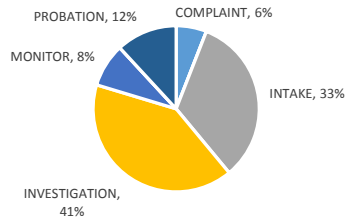
COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-

BEV

**Big Game Guides (GUI)**

COMPLAINT	7	6%
DIVISION INSPECTION	-	
INTAKE	39	33%
INVESTIGATION	48	41%
MONITOR	10	8%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	14	12%
Total	118	
License Actions	16	

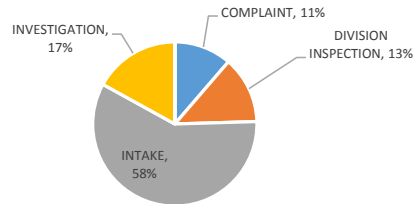
GUI



**Business Licensing (BUS)**

COMPLAINT	6	11%
DIVISION INSPECTION	7	13%
INTAKE	31	58%
INVESTIGATION	9	17%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	53	
License Actions	-	

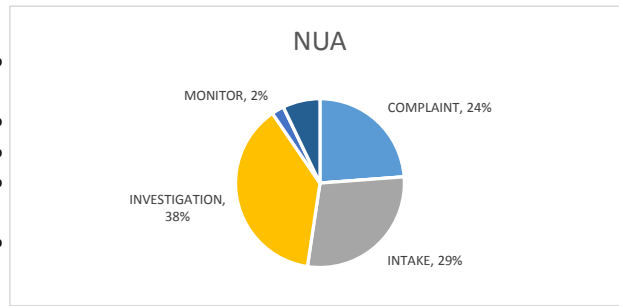
BUS



**Certified Nurse Aides (NUA)**

COMPLAINT	10	24%
DIVISION INSPECTION	-	
INTAKE	12	29%
INVESTIGATION	16	38%
MONITOR	1	2%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	3	7%
Total	42	
License Actions	19	

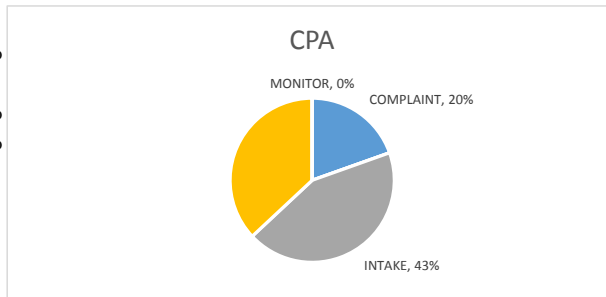
NUA



**Certified Public Accountant (CPA)**

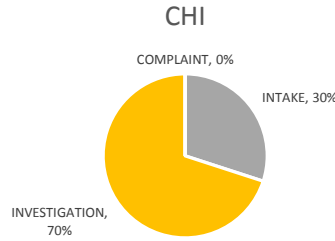
COMPLAINT	9	20%
DIVISION INSPECTION	-	
INTAKE	20	43%
INVESTIGATION	17	37%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	46	
License Actions	14	

CPA



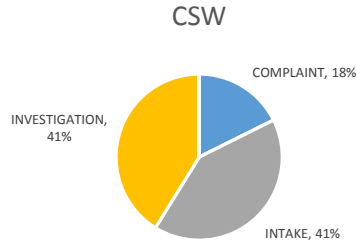
**Chiropractic (CHI)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	3	30%
INVESTIGATION	7	70%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>10</b>	
<b>License Actions</b>	<b>-</b>	



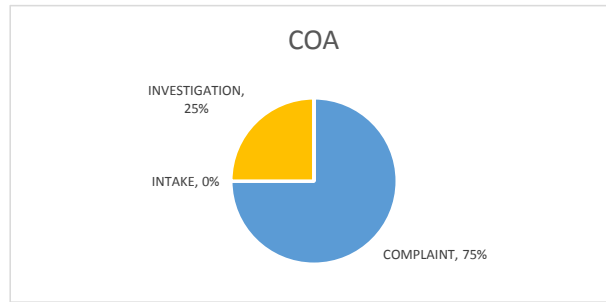
**Clinical Social Work (CSW)**

COMPLAINT	3	18%
DIVISION INSPECTION	-	
INTAKE	7	41%
INVESTIGATION	7	41%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>17</b>	
<b>License Actions</b>	<b>5</b>	



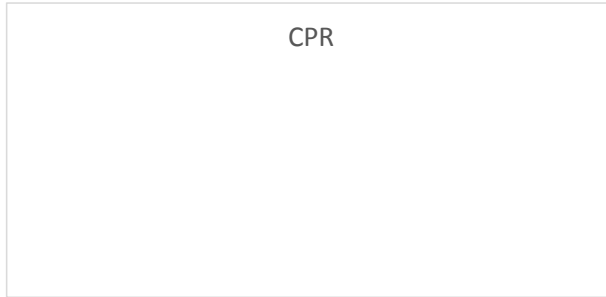
**Collection Agencies (COA)**

COMPLAINT	3	75%
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	1	25%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>4</b>	
<b>License Actions</b>	<b>-</b>	



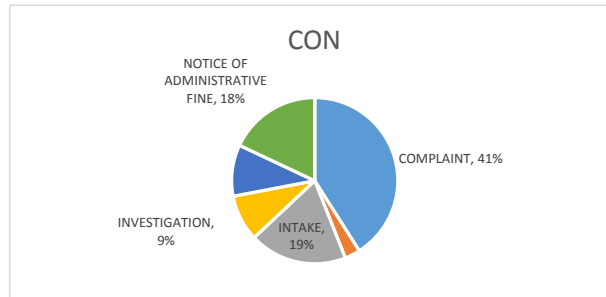
**Concert Promoters (CPR)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>-</b>	
<b>License Actions</b>	<b>-</b>	



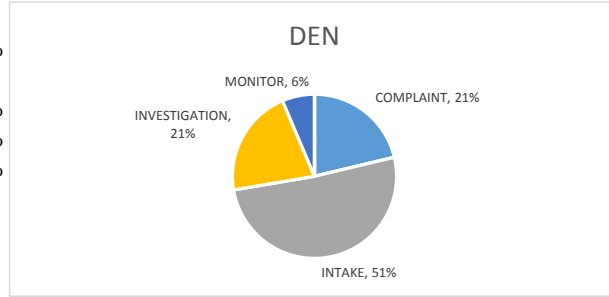
**Construction (CON)**

COMPLAINT	41	41%
DIVISION INSPECTION (CON)	3	3%
INTAKE	19	19%
INVESTIGATION	9	9%
MONITOR	10	10%
NOTICE OF ADMINISTRATIVE FINE	18	18%
PROBATION	-	
<b>Total</b>	<b>100</b>	
<b>License Actions</b>	<b>-</b>	



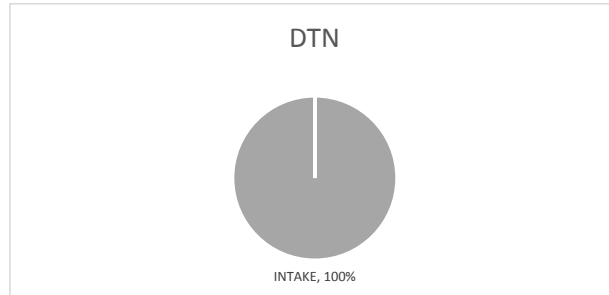
**Dental (DEN)**

COMPLAINT	10	21%
DIVISION INSPECTION	-	
INTAKE	24	51%
INVESTIGATION	10	21%
MONITOR	3	6%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	47	
License Actions	1	



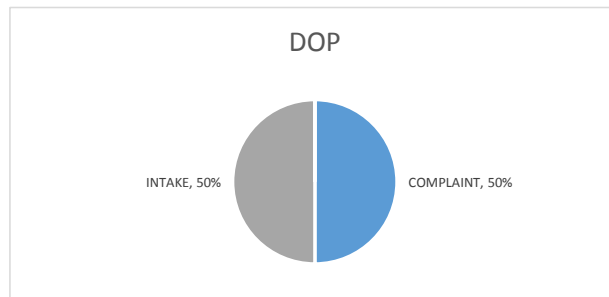
**Dietitians & Nutritionists (DTN)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	1	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	1	
License Actions	-	



**Dispensing Opticians (DOP)**

COMPLAINT	1	50%
DIVISION INSPECTION	-	
INTAKE	1	50%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	2	
License Actions	-	



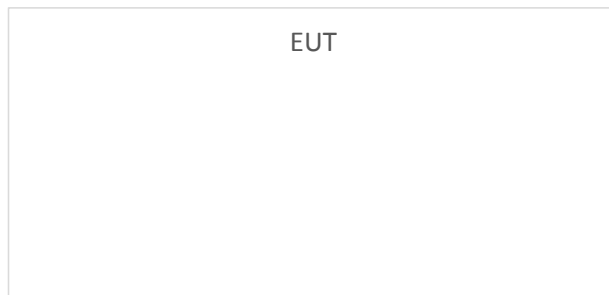
**Electrical Administrator (EAD)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	1	100%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	1	
License Actions	-	



**Euthanasia (EUT)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	-	
License Actions	-	





**Foreign Pleasure Craft (FPC)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-



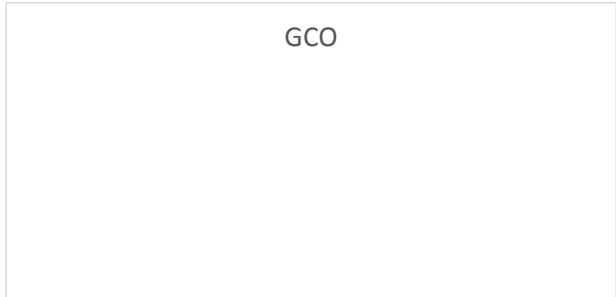
**Geologist (GEO)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-



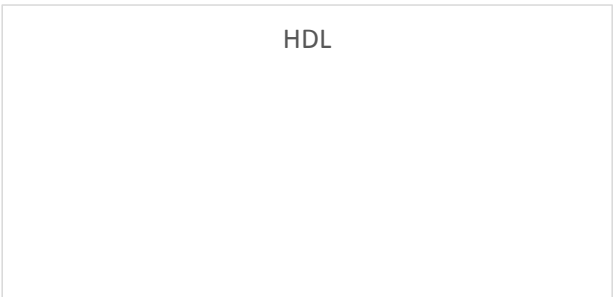
**Guardians & Conservators (GCO)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-



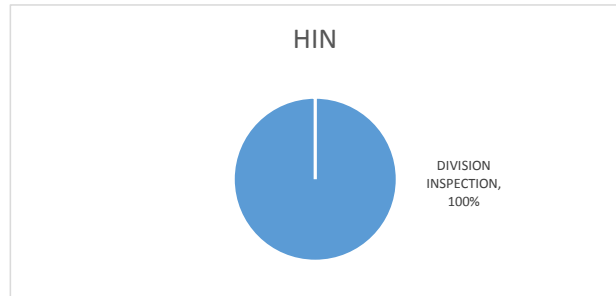
**Hearing Aid Dealers (HDL)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-



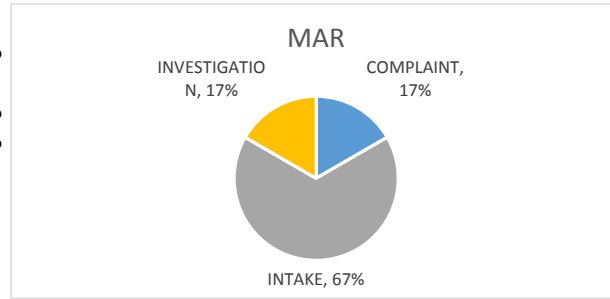
**Home Inspectors (HIN)**

COMPLAINT	-	
DIVISION INSPECTION	1	100%
INTAKE	-	
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	1	
License Actions	-	



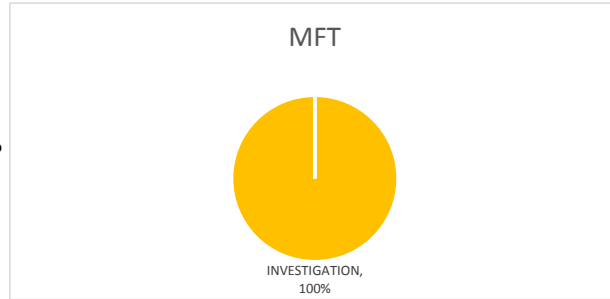
**Marine Pilots (MAR)**

COMPLAINT	1	17%
DIVISION INSPECTION	-	
INTAKE	4	67%
INVESTIGATION	1	17%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>6</b>	
<b>License Actions</b>	<b>-</b>	



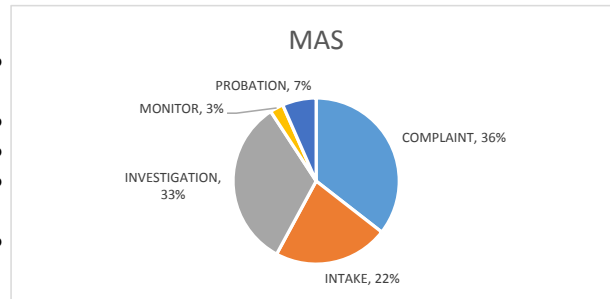
**Marriage & Family Therapists (MFT)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	1	100%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>1</b>	
<b>License Actions</b>	<b>2</b>	



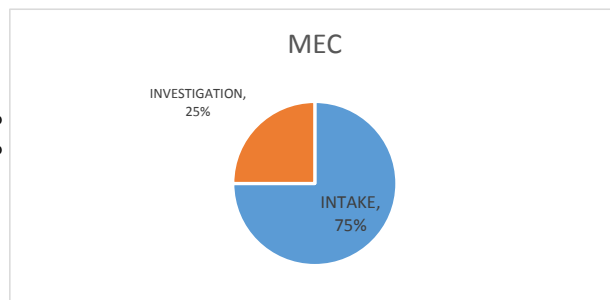
**Massage Therapists (MAS)**

COMPLAINT	27	36%
DIVISION INSPECTION	-	
INTAKE	17	22%
INVESTIGATION	25	33%
MONITOR	2	3%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	5	7%
<b>Total</b>	<b>76</b>	
<b>License Actions</b>	<b>20</b>	



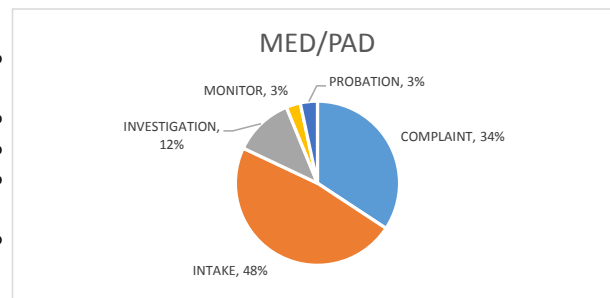
**Mechanical Administrators (MEC)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	3	75%
INVESTIGATION	1	25%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>4</b>	
<b>License Actions</b>	<b>-</b>	



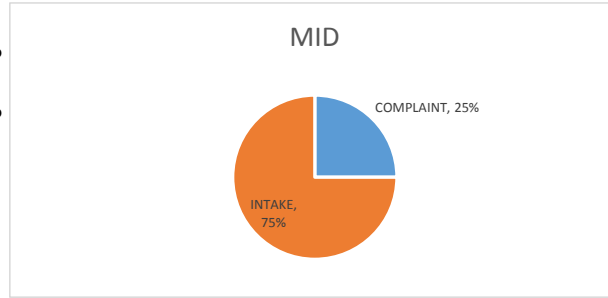
**Medical & Physician Assistants (MED/PAD)**

COMPLAINT	61	34%
DIVISION INSPECTION	-	
INTAKE	85	48%
INVESTIGATION	21	12%
MONITOR	5	3%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	6	3%
<b>Total</b>	<b>178</b>	
<b>License Actions</b>	<b>26</b>	



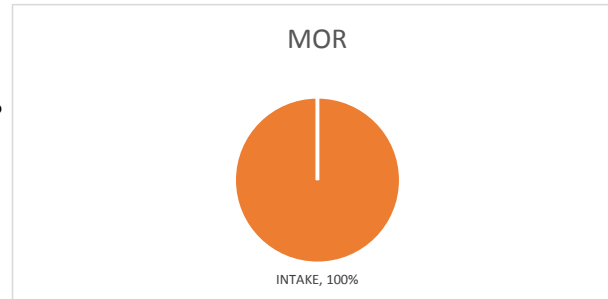
**Midwives (MID)**

COMPLAINT	1	25%
DIVISION INSPECTION	-	
INTAKE	3	75%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>4</b>	
<b>License Actions</b>	<b>-</b>	



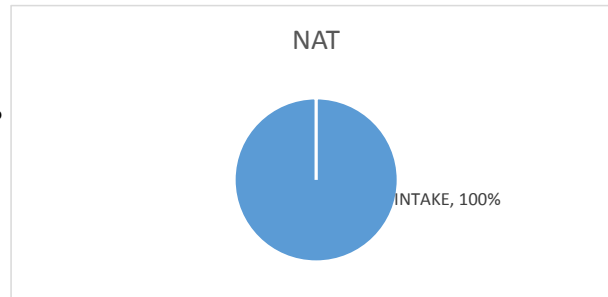
**Mortuary Science (MOR)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	2	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>2</b>	
<b>License Actions</b>	<b>-</b>	



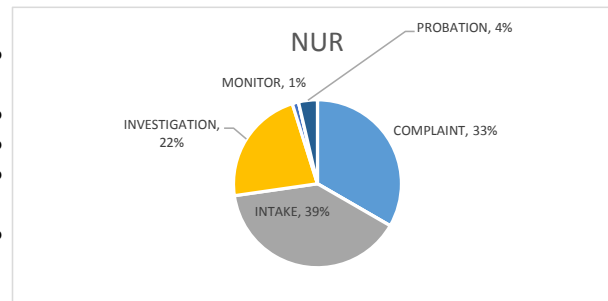
**Naturopath (NAT)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	1	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>1</b>	
<b>License Actions</b>	<b>-</b>	



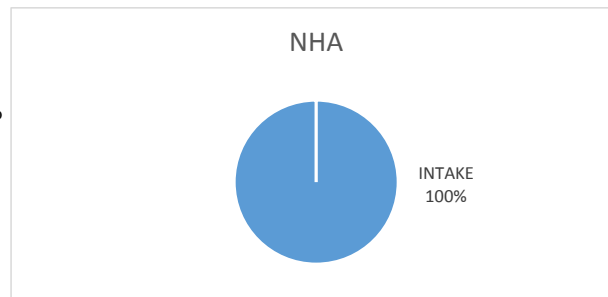
**Nursing (NUR)**

COMPLAINT	55	33%
DIVISION INSPECTION	-	
INTAKE	65	39%
INVESTIGATION	37	22%
MONITOR	2	1%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	6	4%
<b>Total</b>	<b>165</b>	
<b>License Actions</b>	<b>60</b>	



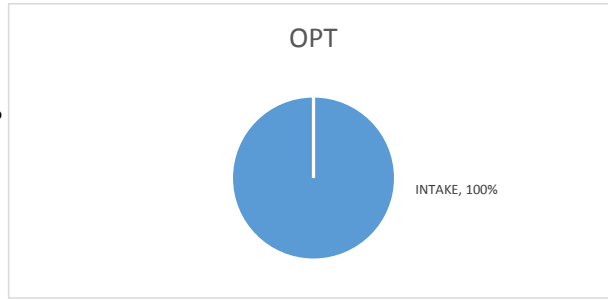
**Nursing Home Administrators (NHA)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	1	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>1</b>	
<b>License Actions</b>	<b>1</b>	



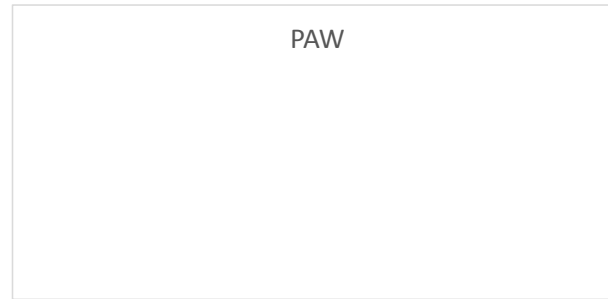
**Optometry (OPT)**

COMPLAINT	-	
DIVISION INSPECTION	-	
INTAKE	3	100%
INVESTIGATION	-	
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>3</b>	
<b>License Actions</b>	<b>-</b>	



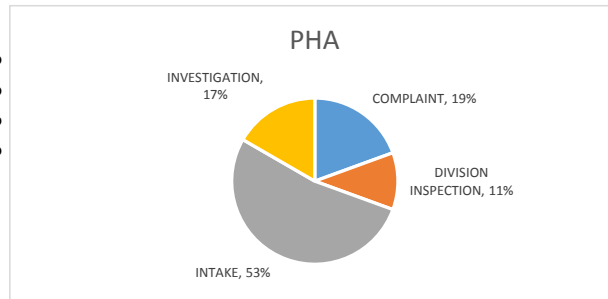
**Pawnbrokers (PAW)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
<b>Total</b>	<b>-</b>
<b>License Actions</b>	<b>-</b>



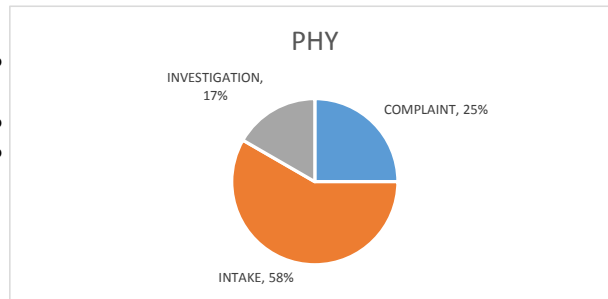
**Pharmacy (PHA)**

COMPLAINT	7	19%
DIVISION INSPECTION	4	11%
INTAKE	19	53%
INVESTIGATION	6	17%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>36</b>	
<b>License Actions</b>	<b>8</b>	



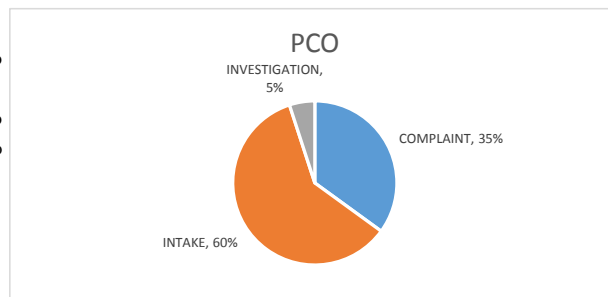
**Physical Therapists (PHY)**

COMPLAINT	3	25%
DIVISION INSPECTION	-	
INTAKE	7	58%
INVESTIGATION	2	17%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>12</b>	
<b>License Actions</b>	<b>1</b>	



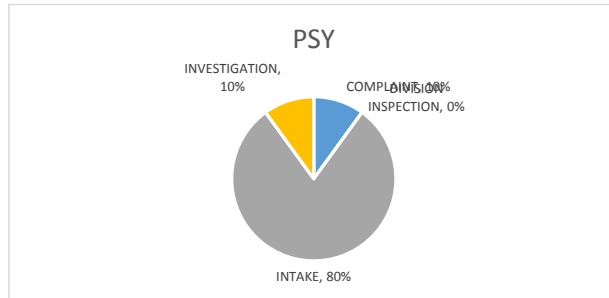
**Professional Counselors (PCO)**

COMPLAINT	7	35%
DIVISION INSPECTION	-	
INTAKE	12	60%
INVESTIGATION	1	5%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
<b>Total</b>	<b>20</b>	
<b>License Actions</b>	<b>-</b>	



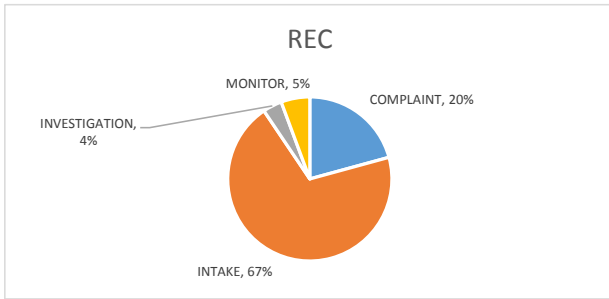
**Psychology (PSY)**

COMPLAINT	1	10%
DIVISION INSPECTION	-	
INTAKE	8	80%
INVESTIGATION	1	10%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	10	
License Actions	-	



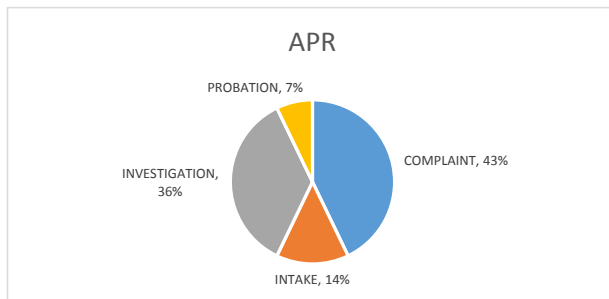
**Real Estate (REC)**

COMPLAINT	11	20%
DIVISION INSPECTION	2	5%
INTAKE	37	67%
INVESTIGATION	2	4%
MONITOR	3	5%
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	55	
License Actions	7	



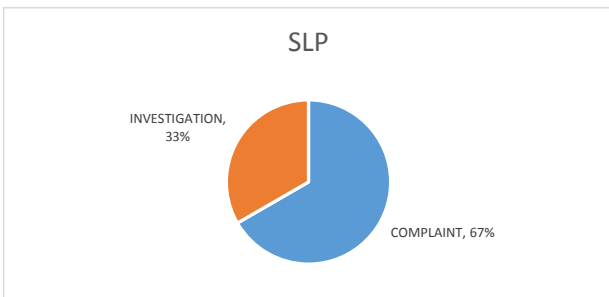
**Real Estate Appraisers (APR)**

COMPLAINT	6	43%
DIVISION INSPECTION	-	
INTAKE	2	14%
INVESTIGATION	5	36%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	1	7%
Total	14	
License Actions	-	



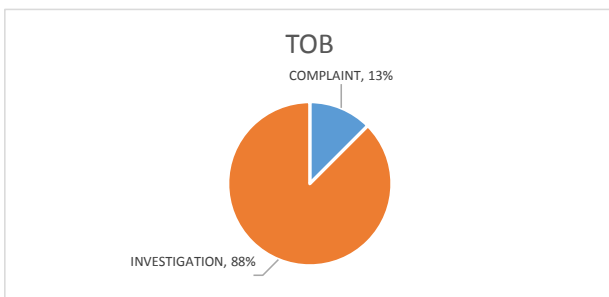
**Speech Language Pathologists (SLP)**

COMPLAINT	2	67%
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	1	33%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	3	
License Actions	-	



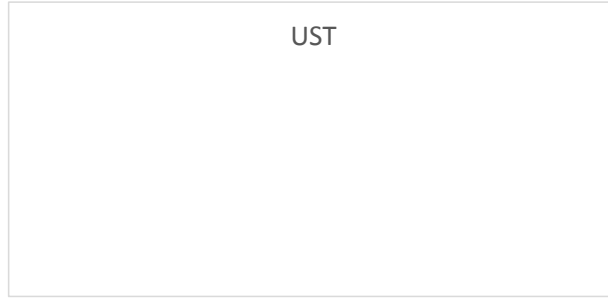
**Tobacco (TOB)**

COMPLAINT	2	13%
DIVISION INSPECTION	-	
INTAKE	-	
INVESTIGATION	14	88%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	16	
License Actions	28	



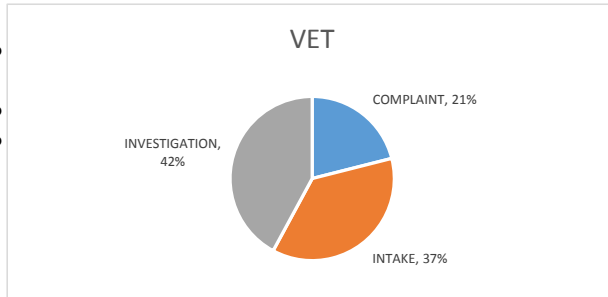
**Underground Storage Tanks (UST)**

COMPLAINT	-
DIVISION INSPECTION	-
INTAKE	-
INVESTIGATION	-
MONITOR	-
NOTICE OF ADMINISTRATIVE FINE	-
PROBATION	-
Total	-
License Actions	-



**Veterinarians (VET)**

COMPLAINT	4	21%
DIVISION INSPECTION	-	
INTAKE	7	37%
INVESTIGATION	8	42%
MONITOR	-	
NOTICE OF ADMINISTRATIVE FINE	-	
PROBATION	-	
Total	19	
License Actions	3	



**LICENSE ACTIONS**

Board / Case #	Respondent	Action / Violation	Date
AEL 2016-001056	TIMOTHY INGRAHAM, LAND SURVEYOR	CONTINUING EDUCATION - CONSENT AGREEMENT	11/09/17
AEL 2016-001097	DOUGLAS COMSTOCK, ARCHITECT	CONTINUING EDUCATION - BOARD OR COMMISSIONER ORDER	12/15/17
APR 2017-000173	JULIE DINNEEN, REAL ESTATE APPRAISER	UNETHICAL CONDUCT - CONSENT AGREEMENT	01/12/18
BAH 2014-001045	LANA DE'ROSSETT, SCHOOL	PROBATION - SUSPENSION OF LICENSE	08/10/17
BAH 2013-001618	LANA DE'ROSSETT, SCHOOL	FRAUD OR MISREPRESENTATION - SUSPENSION OF LICENSE	08/10/17
BAH 2017-000213	MARILYN'S HAIR SALON, SHOP OWNER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	10/09/17
BAH 2017-000090	JEANETTE SHOWALTER, SHOP OWNER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	10/09/17
BAH 2016-000885	ABREU-MARTINEZ, LLC, SHOP OWNER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	10/09/17
BAH 2012-000800	ANGELA THIES, HAIRDRESSER	PROBATION - LICENSE SURRENDER	10/09/17
BAH 2017-001096	ELVIS RODRIGUEZ, SHOP OWNER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	01/22/18
BAH 2017-001112	JUAN C RIVERA, BARBER	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	02/22/18
BAH 2017-000965	JOHN TRAN, SHOP OWNER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	05/07/18
BAH 2017-001199	LILIAN TRINH DAVIS, MANICURIST	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/07/18
BAH 2017-001198	THUY TRANG TRAN, MANICURIST	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/07/18
CPA 2018-000175	KATRINA CARNEY, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/21/18
CPA 2018-000053	DONOVAN RULIEN, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/21/18
CPA 2018-000057	RULIEN & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/21/18
CPA 2018-000084	PORTER & ALLISON, INC., CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/21/18
CPA 2018-000049	LANCE BODEEN, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/21/18
CPA 2016-001199	SWAN CHING, CERTIFIED PUBLIC ACCOUNTANT	FALSIFIED APPLICATION - LICENSE SURRENDER	03/21/18
CPA 2018-000132	DIMITRI YIMGA, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000136	TRUVIM LLC, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000209	MILNER, HOWARD & PALMER, CPAS, PC, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000177	KARN AND ASSOCIATES, PC, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000176	ARNOLD & COULTER, CERTIFIED PUBLIC ACCOUNTANTS, APC, CERTIFIED PUBLIC ACCOUNTANT	LICENSE APPLICATION PROBLEM - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000118	NANCY ADAMS, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000086	TRIMBLE/GLOVER, CPAS, A PROFESSIONAL CORPORATION, CERTIFIED PUBLIC ACCOUNTANT	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	05/31/18
CPA 2018-000295	ANDREW MEINERS, CERTIFIED PUBLIC ACCOUNTANT	CONTINUING EDUCATION - CONSENT AGREEMENT	06/01/18
CSW 2017-000323	LORRAINE M. JAEGER-KIRSCH, CLINICAL SOCIAL WORKER	CONTINUING EDUCATION - CONSENT AGREEMENT	09/25/17
CSW 2016-001265	SHERRY BYERS, CLINICAL SOCIAL WORKER	CONTINUING EDUCATION - CONSENT AGREEMENT	09/25/17
CSW 2017-000717	GLORIA E. MUCINO, CLINICAL SOCIAL WORKER	CONTINUING EDUCATION - CONSENT AGREEMENT	01/02/18
CSW 2017-001167	KIMBER OLSON, CLINICAL SOCIAL WORKER	SEXUAL MISCONDUCT - LICENSE SURRENDER	01/22/18
CSW 2017-000807	DANIELLE GAMBLES-BAEZ-AFLLEJE, MASTERS SOCIAL WORKER	UNLICENSED PRACTICE OR ACTIVITY - IMPOSITION OF CIVIL FINE	03/16/18
DEN 2018-000121	MARJORIE C WAGNER, DENTAL HYGIENIST	CONTINUING EDUCATION - LICENSE SURRENDER	05/01/18
DEN 2017-000421	SETH A. LOOKHART, DENTIST	UNETHICAL CONDUCT - AMENDED ACCUSATION	06/07/18
GUI 2017-000652	HARRY ROBERT HANNON, MASTER GUIDE-OUTFITTER	CRIMINAL ACTION - NO CONVICTION - CONSENT AGREEMENT	07/17/17
GUI 2017-000107	BAE E. WIDMIER, ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	07/17/17
GUI 2017-000124	JEREMY J. PHILLIPS, CLASS A ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	11/16/17
GUI 2017-000911	GUST TUNGING, CLASS A ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	11/16/17
GUI 2017-000910	GLEN M. WYSOCKI, CLASS A ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	11/16/17
GUI 2017-000912	JOHN L. MCKINNEY, GUIDE-OUTFITTER	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	11/16/17
GUI 2017-000366	CLIFFORD F. SMITH, GUIDE-OUTFITTER	CRIMINAL ACTION - CONVICTION - STIPULATION	12/04/17
GUI 2013-002382	CLIFFORD F. SMITH, GUIDE-OUTFITTER	CRIMINAL ACTION - CONVICTION - STIPULATION	12/04/17
GUI 2017-001223	DARWIN J. VANDER ESCH, GUIDE-OUTFITTER	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	12/05/17
GUI 2017-000009	MARK COOLEY, ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	01/22/18
GUI 2013-002250	MATT L. OWEN, GUIDE-OUTFITTER	VIOLATION OF LICENSING REGULATION - ACCUSATION	02/05/18
GUI 2016-000055	SAMUEL FEJES, MASTER GUIDE-OUTFITTER	VIOLATION OF LICENSING REGULATION - CONSENT AGREEMENT	02/12/18
GUI 2017-001074	DANIEL R. ELLSWORTH, CLASS A ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	03/20/18
GUI 2017-000915	GRAHAM J. MORRISON, CLASS A ASSISTANT GUIDE	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	03/20/18
GUI 2017-001015	JORDAN R. WALLACE, ASSISTANT GUIDE	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	03/20/18
GUI 2017-001107	STEPHEN J. HICKS, GUIDE-OUTFITTER	CRIMINAL ACTION - NO CONVICTION - SUSPENSION OF LICENSE	05/07/18
GUI 2018-000181	STEPHEN J. HICKS, GUIDE-OUTFITTER	CRIMINAL ACTION - NO CONVICTION - SUSPENSION OF LICENSE	05/07/18

LICENSE ACTIONS

Board / Case #	Respondent	Action / Violation	Date
GUI 2018-000561	THOMAS G. SHANKSTER, MASTER GUIDE-OUTFITTER	CRIMINAL ACTION - CONVICTION - ACCUSATION	06/28/18
MAS 2017-000629	JERRY L. BLUEFORD, MASSAGE THERAPIST	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	08/21/17
MAS 2017-000285	JERRY L. BLUEFORD, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	08/21/17
MAS 2017-000759	JULIA R HALL, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	11/30/17
MAS 2017-000094	JANNEA M. KNIGHT, MASSAGE THERAPIST	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	12/01/17
MAS 2017-001159	UROS M. KNEZEVIC, MASSAGE THERAPIST	CRIMINAL ACTION - CONVICTION - CONSENT AGREEMENT	12/01/17
MAS 2017-001036	ANNA MELISSA MARTIN, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	12/01/17
MAS 2017-001062	LIHUA MENELIK, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CEASE AND DESIST	01/04/18
MAS 2017-001061	MIN WANG, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CEASE AND DESIST ORDER	01/04/18
MAS 2018-000037	JUNG KIM, MASSAGE THERAPIST	FALSIFIED APPLICATION - LIC. APPLICATION DENIED	03/08/18
MAS 2017-000465	HYE LEE, MASSAGE THERAPIST	CRIMINAL ACTION - CONVICTION - LIC. APPLICATION DENIED	03/08/18
MAS 2017-001154	SHU HUA CAO, MASSAGE THERAPIST	CONTESTED LICENSE DENIAL - LIC. APPLICATION DENIED	03/08/18
MAS 2018-000145	SARAH T REICHERT, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	03/09/18
MAS 2017-000811	AMY THOMPSON, MASSAGE THERAPIST	SUBSTANCE ABUSE - CONSENT AGREEMENT	03/09/18
MAS 2017-000969	MARY CHARLES, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	03/09/18
MAS 2018-000185	PEGGY SNOW, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	03/09/18
MAS 2017-000925	FAWN PETERSON, MASSAGE THERAPIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	03/09/18
MAS 2018-000290	PEGGY SNOW, MASSAGE THERAPIST	CONTINUING EDUCATION - CONSENT AGREEMENT	05/20/18
MAS 2018-000103	MICHELLE D KOCAN, MASSAGE THERAPIST	CONTINUING EDUCATION - CONSENT AGREEMENT	06/26/18
MAS 2018-000104	SHANNON MAE COTHREN, MASSAGE THERAPIST	CONTINUING EDUCATION - CONSENT AGREEMENT	06/26/18
MAS 2018-000039	OPAL LEE SIDON, MASSAGE THERAPIST	CONTINUING EDUCATION - CONSENT AGREEMENT	06/26/18
MED 2014-001768	KELTON HILLARD OLIVER, PHYSICIAN or SURGEON	CRIMINAL ACTION - CONVICTION - BOARD ORDER AFTER HEARING	08/03/17
MED 2017-000473	JOHN PAPPENHEIM, PHYSICIAN or SURGEON	SUBSTANCE ABUSE - CONSENT AGREEMENT	08/03/17
MED 2017-000426	LARRY MYERS, PHYSICIAN or SURGEON	ACTION IN ANOTHER STATE - CONSENT AGREEMENT	08/03/17
MED 2017-000051	MELIA LINDEKE, PARAMEDIC	DRUG DIVERSION - CONSENT AGREEMENT	08/03/17
MED 2016-001293	MICHAEL STADNICK, PHYSICIAN or SURGEON	CONTINUING EDUCATION - CONSENT AGREEMENT	08/03/17
MED 2017-000070	DAVID BOWMAN, OSTEOPATHIC PHYSICIAN	FALSIFIED APPLICATION - IMPOSITION OF CIVIL FINE	08/03/17
MED 2017-000336	JILL ABRAM, PHYSICIAN or SURGEON	LICENSE APPLICATION PROBLEM - IMPOSITION OF CIVIL FINE	08/03/17
MED 2017-000777	DONNA WININGHAM, PHYSICIAN or SURGEON	LICENSE APPLICATION PROBLEM - IMPOSITION OF CIVIL FINE	08/03/17
MED 2017-000679	MEGAN YOUNG, OSTEOPATHIC PHYSICIAN	LICENSE APPLICATION PROBLEM - IMPOSITION OF CIVIL FINE	08/03/17
MED 2017-000417	HARNEK SINGH, PHYSICIAN or SURGEON	FALSIFIED APPLICATION - IMPOSITION OF CIVIL FINE	08/03/17
MED 2017-000131	CHRISTOPHER JENSEN, PHYSICIAN or SURGEON	SUBSTANCE ABUSE - CONSENT AGREEMENT	11/02/17
MED 2017-000744	LORRAINE G GRUBE, PHYSICIAN ASSISTANT	FRAUD OR MISREPRESENTATION - CONSENT AGREEMENT	11/02/17
MED 2017-000728	RICHARD SETH ADLER, PHYSICIAN or SURGEON	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
MED 2017-000866	STEVE BOYER, PHYSICIAN or SURGEON	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
MED 2015-000287	ROGER W. SPENCER, PHYSICIAN or SURGEON	PROBATION - LICENSE SURRENDER	11/02/17
MED 2010-000816	DENNIS LYNN MICKLESON, PHYSICIAN or SURGEON	PROBATION - LICENSE SURRENDER	11/02/17
MED 2017-000727	ROBERT DINGEMAN, PHYSICIAN or SURGEON	CONTINUING EDUCATION - LICENSE SURRENDER	11/02/17
MED 2017-000426	LARRY MYERS, PHYSICIAN or SURGEON	ACTION IN ANOTHER STATE - LICENSE SURRENDER	12/14/17
MED 2017-000992	JOHNNY DELASHAW, PHYSICIAN or SURGEON	VIOLATION OF LICENSING REGULATION - SUSPENSION OF LICENSE	12/14/17
MED 2017-000878	BRIAN IUTZI, PHYSICIAN or SURGEON	SUBSTANCE ABUSE - CONSENT AGREEMENT	02/01/18
MED 2017-001149	CHRISTOPHER JENSEN, PHYSICIAN or SURGEON	VIOLATION OF LICENSING REGULATION - IMPOSITION OF CIVIL FINE	02/01/18
MED 2017-001004	RALPH STEELE, PHYSICIAN or SURGEON	VIOLATION OF LICENSING REGULATION - IMPOSITION OF CIVIL FINE	02/01/18
MED 2017-001180	DONALD SMITH, PHYSICIAN ASSISTANT	VIOLATION OF LICENSING REGULATION - IMPOSITION OF CIVIL FINE	02/01/18
MED 2017-001168	CHRISTOPHER JENSEN, PHYSICIAN or SURGEON	PROBATION - SUSPENSION OF LICENSE	02/07/18
MED 2017-001121	MICHAEL D ROBERTSON, PHYSICIAN or SURGEON	PRESCRIPTIVE PRACTICE - LICENSE SURRENDER	05/03/18
NUA 2017-000564	AMBER L. LEATHAM, CERTIFIED NURSE AIDE	SUBSTANCE ABUSE - CONSENT AGREEMENT	08/03/17
NUA 2017-000467	KAY K TURNER, CERTIFIED NURSE AIDE	SUBSTANCE ABUSE - CONSENT AGREEMENT	08/03/17
NUA 2016-000528	LONA R. GEFFE, CERTIFIED NURSE AIDE	SUBSTANCE ABUSE - CONSENT AGREEMENT	08/03/17
NUA 2016-001347	SHEILA JOHANSEN, CERTIFIED NURSE AIDE	FALSIFIED APPLICATION - CONSENT AGREEMENT	08/03/17
NUA 2017-000187	SALLY S. TABBILOS, CERTIFIED NURSE AIDE	CONTINUING EDUCATION - LICENSE SURRENDER	08/03/17
NUA 2017-000117	DIANA IVES, CERTIFIED NURSE AIDE	CRIMINAL ACTION - CONVICTION - ACCUSATION	08/16/17
NUA 2017-000117	DIANA IVES, CERTIFIED NURSE AIDE	CRIMINAL ACTION - CONVICTION - BOARD OR COMMISSIONER ORDER	11/02/17
NUA 2016-001330	COURTNEY NEIDIFFER, CERTIFIED NURSE AIDE	CONTINUING EDUCATION - LICENSE SURRENDER	11/02/17
NUA 2017-000675	ROXANNE M HUZIEFF, CERTIFIED NURSE AIDE	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	11/03/17
NUA 2017-001053	BRANDALYN ADAMS, CERTIFIED NURSE AIDE	UNPROFESSIONAL CONDUCT - CONSENT AGREEMENT	02/08/18
NUA 2017-000662	MICHAEL B ROSE, CERTIFIED NURSE AIDE	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	02/08/18
NUA 2017-001127	JURIEL A WILLIAMS, CERTIFIED NURSE AIDE	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	02/08/18
NUA 2017-000989	ANGELINE HORN, CERTIFIED NURSE AIDE	SEXUAL MISCONDUCT - LICENSE SURRENDER	02/08/18
NUA 2017-000830	AMBER L. LEATHAM, CERTIFIED NURSE AIDE	PROBATION - LICENSE SURRENDER	02/16/18
NUA 2017-000454	RACHAEL M. GEARY, CERTIFIED NURSE AIDE	FALSIFIED APPLICATION - CONSENT AGREEMENT	02/27/18
NUA 2017-001296	TRISHA M. BOUSLEY, CERTIFIED NURSE AIDE	FALSIFIED APPLICATION - CONSENT AGREEMENT	05/09/18
NUA 2017-001226	EUNIQUE D REESE, CERTIFIED NURSE AIDE	FALSIFIED APPLICATION - CONSENT AGREEMENT	05/09/18
NUA 2017-000837	LONA R. GEFFE, CERTIFIED NURSE AIDE	PROBATION - LICENSE SURRENDER	05/09/18



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NUA 2017-001242	TANYA LEI MAYVILLE, CERTIFIED NURSE AIDE	FALSIFIED APPLICATION - CONSENT AGREEMENT	05/14/18
NUR 2016-001382	TAMIKO ROBINSON, REGISTERED NURSE	FALSIFIED APPLICATION - BOARD OR COMMISSIONER ORDER	08/03/17
NUR 2017-000217	DHANE R. PIERCE, REGISTERED NURSE	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	08/03/17
NUR 2017-000767	BRANDIE JEAN JOHNSON, REGISTERED NURSE	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	08/03/17
NUR 2017-000612	AMBER JEAN STENDER, REGISTERED NURSE	FALSIFIED APPLICATION - CONSENT AGREEMENT	08/03/17
NUR 2017-000362	BRIAN E. MILLER, REGISTERED NURSE ANESTHETIST	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	08/03/17
NUR 2016-001336	TIMOTHY HICKS-GLOVER, LICENSED PRACTICAL NURSE	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	08/03/17
NUR 2017-000052	ANITA ELLSWORTH, LICENSED PRACTICAL NURSE	FALSIFIED APPLICATION - CONSENT AGREEMENT	08/03/17
NUR 2016-001346	REBECCA ROTH, REGISTERED NURSE	LICENSE APPLICATION PROBLEM - CONSENT AGREEMENT	08/03/17
NUR 2017-000233	MICHAEL THOMAS WILCHER, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	08/03/17
NUR 2017-000236	CHRISTIANA ULFOSHIO, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	08/03/17
NUR 2015-001235	SUSAN CURRY, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	08/03/17
NUR 2017-000249	KIMBERLY BROWN WILLIAMS, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	08/03/17
NUR 2016-001343	SUSAN JEAN HOLIT, ADVANCED NURSE PRACTITIONER	PRESCRIPTIVE PRACTICE - LICENSE SURRENDER	08/03/17
NUR 2017-000088	HALEY CHAPMAN, REGISTERED NURSE	PROBATION - LICENSE SURRENDER	08/03/17
NUR 2017-000330	MARY THERESA FRANKS, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	08/03/17
NUR 2017-000489	JOAN W. DIAMOND, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	08/03/17
NUR 2014-001041	JANICE INCE-MILLER, REGISTERED NURSE	PROBATION - LICENSE SURRENDER	08/23/17
NUR 2017-000082	PAULA WITHERELL, REGISTERED NURSE	PROBATION - LICENSE SURRENDER	08/23/17
NUR 2017-000550	DANIEL WILLARD, LICENSED PRACTICAL NURSE	PROBATION - LICENSE SURRENDER	08/23/17
NUR 2017-000040	DEIDRE BEHRING, REGISTERED NURSE	DRUG DIVERSION - BOARD OR COMMISSIONER ORDER	11/02/17
NUR 2016-001473	JENNIFER HURLBUTT, ADVANCED NURSE PRACTITIONER	UNLICENSED PRACTICE OR ACTIVITY - CONSENT AGREEMENT	11/02/17
NUR 2017-000077	LISA SIPES, REGISTERED NURSE	PRACTICE BEYOND SCOPE - CONSENT AGREEMENT	11/02/17
NUR 2013-001243	KAREN L. DECKER-BROWN, ADVANCED NURSE PRACTITIONER	PRESCRIPTIVE PRACTICE - CONSENT AGREEMENT	11/02/17
NUR 2017-000616	LAURA NESTELL, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000341	KELLY KAY BINKOWSKI, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000589	DIANA LUCILLE LACHMAN, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000335	LAVERNE O'NEAL, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000502	MATTHEW JAMES PAVEGLIO, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000342	KEITH JAMES ROUMELL, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000494	ALESSANDRA MARIA-RENE' HANSEN, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	11/02/17
NUR 2017-000591	PENNY C. BENNETT, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - LICENSE SURRENDER	11/02/17
NUR 2017-000505	KATHLEEN N. TRAUTNER, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	11/02/17
NUR 2017-000348	BETTY J. COOLEY, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - BOARD OR COMMISSIONER ORDER	02/08/18
NUR 2017-000924	MARGARET HUGHES, REGISTERED NURSE	SUBSTANCE ABUSE - CONSENT AGREEMENT	02/08/18
NUR 2017-000484	ALIA PARKER, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	02/08/18
NUR 2018-000125	JOE BASS, REGISTERED NURSE	SUBSTANCE ABUSE - CONSENT AGREEMENT	02/08/18
NUR 2017-000593	ELAINE A. PONCHIONE, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	02/08/18
NUR 2015-001305	ELIZABETH A. STARK, REGISTERED NURSE	PROBATION - LICENSE SURRENDER	02/08/18
NUR 2017-000346	ROBERTA LOUISE VALANDRA, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000930	LANI L. JACKSON, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000618	STEVEN L. SMALLING, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000588	LAURIE ELLEN STEVENSON, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000499	MARK RODNEY MESSNER, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000503	FAYE JEANETTE ROBERTS, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	02/08/18
NUR 2017-000286	LISA BENTON, ADVANCED NURSE PRACTITIONER	STANDARD OF CARE - CONSENT AGREEMENT	05/09/18
NUR 2018-000226	JESSICA SWANER, REGISTERED NURSE	SUBSTANCE ABUSE - CONSENT AGREEMENT	05/09/18
NUR 2017-000504	JUDITH L. SNOW-ROSANDER, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2017-000518	ROBERT B. MALVIN, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2017-000520	TRACI ANNE PHILLIPS, REGISTERED NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2018-000150	SAJNE JOHNSON, LICENSED PRACTICAL NURSE	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2017-000481	KATHI L. GUNN, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2017-000577	COURTNEY L. RAWLS, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - CONSENT AGREEMENT	05/09/18
NUR 2017-001249	SUZANNE R CAUDLE, REGISTERED NURSE	UNPROFESSIONAL CONDUCT - LICENSE SURRENDER	05/09/18
NUR 2017-000693	WENDI GONZALES, REGISTERED NURSE	FALSIFIED APPLICATION - LICENSE SURRENDER	05/09/18
NUR 2017-001028	DORIS ANNETTE MAIN, REGISTERED NURSE	PHYSICAL OR MENTAL DISABILITY - LICENSE SURRENDER	05/09/18
NUR 2017-000714	HEATHER MARIE HOTALING, REGISTERED NURSE	CONTINUING EDUCATION - LICENSE SURRENDER	05/09/18
NUR 2017-000592	JANET S. KIRSCH, ADVANCED NURSE PRACTITIONER	CONTINUING EDUCATION - LICENSE SURRENDER	05/09/18
NUR 2018-000629	LYNN NORTHRUP, REGISTERED NURSE	CONTESTED LICENSE DENIAL - LIC. APPLICATION DENIED	05/15/18
NUR 2017-000716	BREANNA MACK, REGISTERED NURSE	CONTINUING EDUCATION - BOARD OR COMMISSIONER ORDER	05/18/18
NUR 2015-000407	KRIS KILE, ADVANCED NURSE PRACTITIONER	UNPROFESSIONAL CONDUCT - ACCUSATION	06/25/18
NUR 2016-001009	ANGELA CHRISTMAS, REGISTERED NURSE	DRUG DIVERSION - BOARD OR COMMISSIONER ORDER	06/25/18
NUR 2016-000836	ALLISON KAYLOR, REGISTERED NURSE	SUBSTANCE ABUSE - LICENSE SURRENDER	06/25/18
PHA 2018-000278	SAFEWAY PHARMACY # 1820, PHARMACY	VIOLATION OF LICENSING REGULATION - IMPOSITION OF CIVIL FINE	11/03/17

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PHA 2017-000840	LUCY SCHUROSKY, PHARMACY TECHNICIAN	LICENSE APPLICATION PROBLEM - IMPOSITION OF CIVIL FINE	11/30/17
PHA 2017-000919	ZOE STUCKY, PHARMACY TECHNICIAN	DRUG DIVERSION - LICENSE SURRENDER	11/30/17
PHA 2017-000459	ODILIO A. KONG, PHARMACY TECHNICIAN	CONTINUING EDUCATION - CONSENT AGREEMENT	12/01/17
PHA 2017-000719	LISA ARLENE GORE, PHARMACIST	CONTINUING EDUCATION - LICENSE SURRENDER	12/01/17
PHA 2017-000451	TARNISHA D. BEDWARD-DAVIS, PHARMACY TECHNICIAN	CONTINUING EDUCATION - LICENSE SURRENDER	02/28/18
PHA 2018-000160	WALTER IBARDO, PHARMACY TECHNICIAN	CONTINUING EDUCATION - CONSENT AGREEMENT	04/09/18
PHA 2017-000557	JOSHUA FILLIBLE, PHARMACIST	UNPROFESSIONAL CONDUCT - LICENSE SURRENDER	05/10/18
REC 2016-001080	MARVIE LYON, REAL ESTATE SALESPERSON	CONTINUING EDUCATION - BOARD OR COMMISSIONER ORDER	07/12/17
REC 2016-000609	TYSON THOMPSON, REAL ESTATE SALESPERSON	PROBATION - LICENSE SURRENDER	07/12/17
REC 2016-000335	TYSON THOMPSON, REAL ESTATE SALESPERSON	LICENSE APPLICATION PROBLEM - LICENSE SURRENDER	07/12/17
REC 2017-000598	TYSON THOMPSON, REAL ESTATE SALESPERSON	PROBATION VIOLATION - LICENSE SURRENDER	07/12/17
REC 2015-000675	MARK SOQUET, REAL ESTATE BROKER	NEGLIGENCE - CONSENT AGREEMENT	06/20/18
REC 2015-002203	QUAKE HAYDON, REAL ESTATE SALESPERSON	MISREPRESENTATION - LICENSE SURRENDER	06/20/18
REC 2017-000228	SHANA ACKLES, REAL ESTATE SALESPERSON	MISREPRESENTATION - LICENSE SURRENDER	06/20/18
TOB 2017-000649	SAFEWAY INC (TOB) 30 COLLEGE RD., TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	07/06/17
TOB 2017-000646	GARDEN ISLAND PARTY STORE, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	07/06/17
TOB 2017-000268	TESORO, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	07/08/17
TOB 2017-000274	NAN SIDDIQUI, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	07/13/17
TOB 2017-000269	THE SMOKE SHOPPE, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	07/13/17
TOB 2017-000792	ALBA'S COFFEE SHOP, LLC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	07/27/17
TOB 2017-000794	BAYSIDE INN & RESTAURANT, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	07/27/17
TOB 2017-000646	GARDEN ISLAND PARTY STORE, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	08/02/17
TOB 2017-000778	DOWNTOWN CHICKEN, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	08/04/17
TOB 2016-000907	SHOPPERS CACHE, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	08/16/17
TOB 2017-000750	SOUTHSIDE CHEVRON, LLC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	08/22/17
TOB 2017-000778	DOWNTOWN CHICKEN, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	08/28/17
TOB 2017-000822	PARTY TIME FOOD MART, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	09/26/17
TOB 2017-000821	DIMOND SHELL, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	09/26/17
TOB 2017-000845	THIBODEAU'S LIQUOR BARRELL, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	09/26/17
TOB 2017-000763	PETRO EXPRESS, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	10/06/17
TOB 2017-000792	ALBA'S COFFEE SHOP, LLC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	10/12/17
TOB 2017-000750	SOUTHSIDE CHEVRON, LLC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	10/31/17
TOB 2017-000835	FAIRWAY MARKET, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	10/31/17
TOB 2017-000821	DIMOND SHELL, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	10/31/17
TOB 2017-001108	TRIDENT SEAFOOD CORP., TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	11/01/17
TOB 2017-000794	BAYSIDE INN & RESTAURANT, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	11/30/17
TOB 2014-001818	ROTMAN STORES, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	12/01/17
TOB 2017-000845	THIBODEAU'S LIQUOR BARRELL, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	12/06/17
TOB 2017-000822	PARTY TIME FOOD MART, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	12/20/17
TOB 2018-000437	WAL-MART, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	04/30/18
TOB 2018-000441	TESORO, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	04/30/18
TOB 2018-000433	FRED MEYER STORES, INC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - NOTICE OF SUSPENSION OF TOBACCO ENDORSEMENT	05/10/18
TOB 2018-000437	WAL-MART, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	06/15/18
TOB 2018-000441	TESORO, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	06/26/18
TOB 2018-000433	FRED MEYER STORES, INC, TOBACCO ENDORSEMENT	TOBACCO ENDORSEMENT - MEMORANDUM OF AGREEMENT	06/26/18
VET 2017-000938	JERRY D. FROESCHLE, VETERINARIAN	CONTINUING EDUCATION - LICENSE SURRENDER	10/20/17
VET 2017-000937	ROBERT D. COLLINS, VETERINARY TECHNICIAN	CONTINUING EDUCATION - LICENSE SURRENDER	01/12/18
VET 2017-001088	LYNLEY S. PAIR, VETERINARY TECHNICIAN	CONTINUING EDUCATION - LICENSE SURRENDER	05/11/18

# Alaska Human Trafficking Work Group

## August 15, 2019 Meeting Notes

## Notes

Welcome and intros

Jordan

Jill - massage therapy

Naomi and Ron - Providence

Heidi Redick

Ken - Deputy Chief

Anna Taylor - AIJ

Jeremy - DOL Wage and Hours

SOA DOC ED

Anna Karina Thompson - DHSS Residential Licensing

Seneca Theno

Heather Stenson

Alicia -Wage and Hours

Justin - YWCA

Ruth Quinlan, Paul - ADP

Liz Meredith - DJJ

Human Rights

APD Torres

Court System - Judge Wallace

Adrienne - ANJC

**Service Provider Updates:** discussing ways to increase coordination, referrals, points of contact for each agency, working on identifying the eligibility requirements for each organization, requested feedback on the Criminal Justice Commission letter.

**Law Enforcement:** slow quarter for Wage and Hours. Met with researchers. The identification of labor trafficking seems to be difficult across the U.S.

Providence - had some nurses from Priceless come in, and DOL Wage and Hours presented.

ASD update: curriculum on “sextortion” and cyber safety

\*would be great to have a join labor+sexual assault training for schools

### **Current grants:**

ACF Social Justice Grant- September 18th presentation (Latino Student Union), labor laws, immigration update

ANJC: working with two victims.

Priceless, AWAIC, STAR, Covenant House, CITC ANJC part of grant - working to ensure “warm transfers”

Alaska Airlines: Adrienne presented to AA on human trafficking in May. In the process of working with Marilyn Romano. (Adrienne will send presentation to me)

Massage Board: Has begun process for regulations - given regulatory authority. In September will be in Anchorage presenting proposed language, going out for public comment this spring. (Does anyone want to be put on the agenda? Jeremy and Anna and Lenny?)

DJJ: Historically has had problems identifying. Referrals have gone up, education has been helping. APD came to staff meeting and having a point of contact there has been super helpful.

APD: Has started reaching out to agencies working with youth. Meet and Greet with military youth academy, covenant house, mclaughlin youth center. Seeing trend since Back Page shut down that more women are on the street.

Judge: public education campaign needed

Rhonda (Deb and Dennis): Crisis Response Canines are very different than therapy dogs. Go through years of training. Work with STAR, Covenant House. Help bond with the individuals in crisis and helps them respond, usually they will.

# Review Updated FAQ's

# Previous Matrix and Fine Schedule

**MAS Disciplinary Sanctions/Fine Schedules**

**December 8, 2017\*\***

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
Unlicensed Practice	1-90 days	\$500 fine	At Boards discretion
Unlicensed Practice	91 days to 1 Year	\$1000 fine	At Boards discretion
Unlicensed Practice	1 year or more	\$2500 fine	At Boards discretion

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
License actions according to 12 AAC 79.900- Code of Ethics	1 <sup>st</sup> offense	Letter of Advisement/ Sanction Fines at Board's Discretion	At Board's Discretion
License actions according to 12 AAC 79.900- Code of Ethics	2 or more offenses	\$250 per offense at the Board's Discretion	At Board's discretion

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
Fraud- In obtaining a license	n/a	-Denial or Revocation -4 year wait until reapplication - \$2,500 fine at the Board's Discretion	At Boards discretion
Fraud- In retaining a license	n/a	-Denial or Revocation -4 year wait until reapplication - \$2,500 fine at the Board's Discretion	At Boards discretion

\*\* Updated and approved in Board of Massage Therapist meeting November 30- December 1, 2017



**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	<b>A Barrier Within the Following Time Periods</b>				<b>See 7 AAC 10.905 at:</b>
	<b>PERMANENT</b>	<b>10 Year</b>	<b>5 Year</b>	<b>3 Year</b>	

**ATTEMPT, SOLICITATION, AND CONSPIRACY**

<b>AS 11.31.100 (attempt to commit a crime)</b>					
Unclassified felony if the crime attempted is murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class A felony if the crime attempted is an unclassified felony other than murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class B felony if the crime attempted is a class A felony	<b>Same barrier as the class A felony attempted</b>				
Class C felony if the crime attempted is a class B felony	<b>Same barrier as the class B felony attempted</b>				
Class A misdemeanor if the crime attempted is a class C felony and is a barrier crime	<b>Same barrier as the class C felony attempted</b>				
Class B misdemeanor if the crime attempted is a class A or class B misdemeanor and is a barrier crime	<b>Same barrier as the misdemeanor attempted</b>				
<b>AS 11.31.110 (solicitation to commit a crime)</b>					
Unclassified felony if the crime solicited is murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class A felony if the crime solicited is an unclassified felony other than murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class B felony if the crime solicited is a class A felony	<b>Same barrier as the class A felony solicited</b>				
Class C felony if the crime solicited is a class B felony	<b>Same barrier as the class B felony solicited</b>				
Class A misdemeanor if the crime solicited is a class C felony and is a barrier crime	<b>Same barrier as the class C felony solicited</b>				
Class B misdemeanor if the crime solicited is a class A or class B misdemeanor and is a barrier crime	<b>Same barrier as the misdemeanor solicited</b>				
<b>AS 11.31.120 (conspiracy to commit a crime)</b>					
Unclassified felony if the object of the conspiracy is murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class A felony if the object of the conspiracy is a crime punishable as an unclassified felony other than murder in the first degree	<b>X</b>				<b>(b)(1)</b>
Class B felony if the object of the conspiracy is a crime punishable as a class A felony	<b>Same barrier as the class A felony involved in the conspiracy</b>				
Class C felony if the object of the conspiracy is a crime punishable as a class B felony	<b>Same barrier as the class B felony involved in the conspiracy</b>				

**OFFENSES AGAINST THE PERSON**

AS 11.41.100 (murder in the first degree) Unclassified Felony	<b>X</b>				<b>(b)(1)</b>
AS 11.41.110 (murder in the second degree) Unclassified Felony	<b>X</b>				<b>(b)(1)</b>
AS 11.41.120 (manslaughter) Class C Felony		<b>X</b>			<b>(b)(1)</b>
AS 11.41.130 (criminally negligent homicide) Class B Felony	<b>X</b>				<b>(b)(1)</b>
AS 11.41.200 (assault in the first degree) Class A Felony	<b>X</b>				<b>(b)(1)</b>
AS 11.41.210 (assault in the second degree) Class B Felony	<b>X</b>				<b>(b)(1)</b>
AS 11.41.220 (assault in the third degree) Class C Felony	<b>X</b>				<b>(b)(4)</b>
AS 11.41.230 (assault in the fourth degree) Class A Misdemeanor			<b>X</b>		<b>(d)(1)(A)</b>
AS 11.41.2S0 (reckless endangerment) Class A Misdemeanor			<b>X</b>		<b>(d)(1)(B)</b>

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	PERMANENT	10 Year	5 Year	3 Year	I Year	
AS 11.41.260 (stalking in the first degree) Class C Felony	X					(c)(1)
AS 11.41.270 (stalking in the second degree) Class A Misdemeanor			X			(d)(1)(C)
<b>AS 11.41.300 (kidnapping)</b>						
Unclassified Felony	X					(b)(1)
Class A Felony (victim released without serious injury)	X					(b)(1)
AS 11.41.320 (custodial interference in the first degree) Class C Felony ("crime involving domestic violence")	X					(b)(2)
AS 11.41.330 (custodial interference in the second degree) Class A Misdemeanor			X			(d)(1)(D)
AS 11.41.410 (sexual assault in the first degree) Unclassified Felony ("sex offense")	X					(b)(1)
AS 11.41.420 (sexual assault in the second degree) Class 8 Felony ("sex offense")	X					(b)(1)
AS 11.41.425 (sexual assault in the third degree) Class C Felony ("sex offense")	X					(b)(11)
AS 11.41.427 (sexual assault in the fourth degree Class A Misdemeanor ("sex offense")	X					(b)(11)
AS 11.41.434 (sexual abuse of a minor in the first degree) Unclassified Felony ("sex offense")	X					(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) Class B Felony ("sex offense")	X					(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) Class C Felony ("sex offense")	X					(b)(11)
AS 11.41.440 (sexual abuse of a minor in the fourth degree) Class A Misdemeanor ("sex offense")	X					(b)(11)
AS 11.41.450 (incest) Class C Felony ("sex offense")	X					(b)(11)
<b>AS 11.41.452 (online enticement of a minor)</b>						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper ("sex offense")	X					(b)(1) and (b)(3)
Class C Felony if not required to register as a sex offender or child kidnapper-	X					(b)(3)
AS 11.41.455 (unlawful exploitation of a minor) Class 8 Felony ("sex offense")	X					(b)(1)
AS 11.41.458 (indecent exposure in the first degree) Class C Felony ("sex offense")	X					(b)(11)
<b>AS 11.41.460 (indecent exposure in the second degree) ("sex offense")</b>						
Class A misdemeanor if before a person under 16 years of age	X					(b)(5)
Class B misdemeanor if before a person 16 years age or older	X					(b)(5)
AS 11.41.500 (robbery in the first degree) Class A Felony	X					(b)(1)
AS 11.41.510 (robbery in the second degree) Class B Felony	X					(b)(1)
AS 11.41.520 (extortion) Class B Felony	X					(b)(1)}
AS 11.41.530 (coercion) Class C Felony			X			(d)(1)(E)
<b>OFFENSES AGAINST PROPERTY</b>						
AS 11.46.120 (theft in the first degree) Class B Felony		X				(c)(2)(A)
AS 11.46.130 (theft in the second degree) Class C Felony			X			(d)(2)
AS 11.46.140 (theft in the third degree) Class A Misdemeanor				X		(e)(1)(A)
AS 11.46.220 (concealment of merchandise) if a Class C Felony			X			(d)(2)

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	PERMANENT	10 Year	5 Year	3 Year	1 Year	
AS 11.46.260 (removal of identification marks) if a Class C Felony			X			(d)(2)
AS 11.46.270 (unlawful possession) if a Class C Felony			X			(d)(2)
<b>AS 11.46.280 (issuing a bad check)</b>						
If Class B Felony			X			(c)(2)(B)
If Class C Felony				X		(d)(2)
<b>AS 11.46.285 (fraudulent use of an access device)</b>						
If Class B Felony		X				(c)(2)(C)
If Class C Felony			X			(d)(2)
AS 11.46.290 (obtaining an access device or identification document by fraudulent means) Class C Felony			X			(d)(2)
AS 11.46.300 (burglary in the first degree) Class B Felony		X				(c)(2)(D)
AS 11.46.310 (burglary in the second degree) Class C Felony			X			(d)(2)
AS 11.46.320 (criminal trespass in the first degree) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(B)
AS 11.46.360 (vehicle theft in the first degree) Class C Felony			X			(d)(2)
AS 11.46.400 (arson in the first degree) Class A Felony	X					(b)(6)
AS 11.46.410 (arson in the second degree) Class B Felony	X					(b)(6)
AS 11.46.430 (criminally negligent burning) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(C)
AS 11.46.475 (criminal mischief in the first degree) Class A Felony		X				(c)(2)(E)
AS 11.46.480 (criminal mischief in the second degree) Class B Felony		X				(c)(2)(f)
AS 11.46.482 (criminal mischief in the third degree) Class C Felony			X			(d)(2)
AS 11.46.484 (criminal mischief in the fourth degree) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(D)
AS 11.46.486 (criminal mischief in the fifth degree) Class B Misdemeanor (if domestic violence crime)					X	(t)(1)
AS 11.46.500 (forgery in the first degree) Class B Felony		X				(c)(2)(G)
AS 11.46.505 (forgery in the second degree) Class C Felony			X			(d)(2)
AS 11.46.510 (forgery in the third degree) Class A Misdemeanor				X		(e)(1)(E)
AS 11.46.520 (criminal possession of a forgery device) Class C Felony			X			(d)(2)
AS 11.46.530 (criminal simulation) If a Class C Felony			X			(d)(2)
AS 11.46.550 (offering a false instrument for recording in the first degree) Class C Felony			X			(d)(2)
AS 11.46.565 (criminal impersonation in the first degree) Class B Felony		X				(c)(2)(H)
AS 11.46.600 (scheme to defraud) Class B Felony		X				(c)(2)(1)
AS 11.46.620 (misapplication of property) if a Class C Felony			X			(d)(2)
AS 11.46.630 (falsifying business records) Class C Felony			X			(d)(2)
AS 11.46.660 (commercial bribe receiving) Class C Felony			X			(d)(2)
AS 11.46.670 (commercial bribery) Class C Felony			X			(d)(2)

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	PERMANENT	10 Year	5 Year	3 Year	1 Year	
<b>AS 11.46.710 (deceptive business practices)</b>						
Class C Felony			X			(d)(2)
Class A Misdemeanor				X		(e)(1)(F)
<b>AS 11.46.730 (defrauding creditors)</b>						
If Class B Felony		X				(c)(2)(J)
If Class C Felony			X			(d)(2)
AS 11.46.740 (criminal use of computer) Class C Felony			X			(d)(2)
<b>OFFENSES AGAINST THE FAMILY AND VULNERABLE ADULTS,</b>						
<b>AS 11.51.100 (endangering the welfare of a child in the first degree)</b>						
If Class B Felony (if child dies)	X					(b)(7)(A)
If Class C Felony (if the child suffers sexual contact, sexual penetration, or serious physical injury)	X					(b)(7)(A)
If Class A Misdemeanor (if the child suffers physical injury)	X					(b)(7)(A)
AS 11.51.110 (endangering the welfare of a child in the second degree) Violation			X			(d)(3)(A)
<b>AS 11.51.120 (criminal nonsupport)</b>						
Class C Felony			X			(d)(3)(B)
Class A Misdemeanor				X		(e)(2)
AS 11.51.121 (aiding the non-payment of child support in the first degree) Class C Felony			X			(d)(3)(C)
AS 11.51.130 (contributing to the delinquency of a minor) Class A Misdemeanor			X			(d)(3)(D)
AS 11.51.200 (endangering the welfare of a vulnerable adult in the first degree) Class C Felony	X					(b)(7)(8)
AS 11.51.210 (endangering the welfare of a vulnerable adult in the second degree) Class A Misdemeanor	X					(b)(7)(C)
<b>OFFENSES AGAINST PUBLIC ADMINISTRATION</b>						
AS 11.56.740 (violating a protective order) Class A Misdemeanor (if domestic violence crime)		X				(e)(3)(A)
AS 11.56.745 (interfering with a report of a crime involving domestic violence) Class A Misdemeanor				X		(e)(3)(B)
AS 11.56.750 (unlawful contact in the first degree) Class A Misdemeanor				X		(f)(2)
AS 11.56.755 (unlawful contact in the second degree) Class B Misdemeanor or Violation				X		(f)(2)
AS 11.56.765 (failure to report a violent crime committed against a child) Class A Misdemeanor			X			(d)(4)(A)
AS 11.56.807 (terroristic threatening in the first degree) Class B Felony (if domestic violence crime)		X				(c)(3)
AS 11.56.810 (terroristic threatening in the second degree) Class C Felony (if domestic violence crime)			X			(d)(4)(8)
AS 11.56.815 (tampering with public records in the first degree) Class C Felony			X			(d)(4)(C)
AS 11.56.835 (failure to register as a sex offender or child kidnapper in the first degree) Class C Felony	X					(b)(8)(A)
AS 11.56.840 (failure to register as a sex offender or child kidnapper in the second degree) Class A Misdemeanor	X					(b)(8)(B)

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	<b>PERMANENT</b>	<b>10 Year</b>	<b>5 Year</b>	<b>3 Year</b>	<b>1 Year</b>	

**OFFENSES AGAINST PUBLIC ORDER**

AS 11.61.120 (harassment) Class B Misdemeanor (if domestic violence crime)					<b>X</b>	<b>(f)(3)</b>
<b>AS 11.61.123 (indecent viewing or photography)</b>						
Class C Felony	<b>X</b>					<b>(b)(9)(A)</b>
Class A Misdemeanor	<b>X</b>					<b>(b)(9)(A)</b>
<b>AS 11.61.125 (distribution of child pornography) ("sex offense")</b>						
Class A Felony	<b>X</b>					<b>(b)(9)(B)</b>
Class B Felony	<b>X</b>					<b>(b)(9)(B)</b>
AS 11.61.127 (possession of child pornography) Class C Felony ("sex offense")	<b>X</b>					<b>(b)(9)(B)</b>
<b>AS 11.61.128 (electronic distribution of indecent material to a minor)</b>						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper	<b>X</b>					<b>(b)(3)</b>
Class C Felony if not required to register as a sex offender or child kidnapper	<b>X</b>					<b>(b)(3)</b>
AS 11.61.130 (misconduct involving a corpse) Class A Misdemeanor			<b>X</b>			<b>(d)(5)(A)</b>
AS 11.61.140 (cruelty to animals) Class A Misdemeanor		<b>X</b>				<b>(d)(5)(B)</b>
AS 11.61.145 (promoting and exhibition of fighting animals, if Class C Felony)		<b>X</b>				<b>(d)(5)(C)</b>
AS 11.61.190 (misconduct involving weapons in the first degree) Class A Felony		<b>X</b>				<b>(c)(4)(A)</b>
AS 11.61.195 (misconduct involving weapons in the second degree) Class B Felony		<b>X</b>				<b>(c)(4)(B)</b>
AS 11.61.200 (misconduct involving weapons in the third degree) Class C Felony			<b>X</b>			<b>(d)(5)(D)</b>
<b>AS 11.61.240 (criminal possession of explosives)</b>						
Class A Felony		<b>X</b>				<b>(c)(4)(C)</b>
Class B Felony		<b>X</b>				<b>(c)(4)(C)</b>
Class C Felony			<b>X</b>			<b>(d)(5)(E)</b>
Class A Misdemeanor				<b>X</b>		<b>(c)(4)</b>
AS 11.61.250 (unlawful furnishing of explosives) Class C Felony			<b>X</b>			<b>(d)(5)(F)</b>

**OFFENSES AGAINST PUBLIC HEALTH AND DECENCY**

<b>AS 11.66.110 (promoting prostitution in the first degree)</b>						
Class A Felony - If the person who was induced or caused to engage in prostitution was under 16 years of age	<b>X</b>					<b>(b)(10)(A)</b>
Class B Felony						
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	<b>X</b>					<b>(b)(10)(A)</b>
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense	<b>X</b>					<b>(c)(5)</b>

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	PERMANENT	10 Year	5 Year	3 Year	
<b>AS 11.66.120 (promoting prostitution in the second degree) Class C Felony</b>					
If the person who was induced or caused to engage in prostitution was under 16 years of age	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense	X				(d)(6)
<b>AS 11.66.130 (promoting prostitution in the third degree) Class A Misdemeanor</b>					
If the person who was induced or caused to engage in prostitution was under 16 years of age	X				(b)(10)(C)
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	X				(b)(10)(C)
<b>CONTROLLED SUBSTANCES</b>					
AS 11.71.010 (misconduct involving a controlled substance in the first degree) Unclassified Felony		X			(C)(6)
AS 11.71.020 (misconduct involving a controlled substance in the second degree) Class A Felony		X			(c)(6)
AS 11.71.030 (misconduct involving a controlled substance in the third degree) Class B Felony		X			(c)(6)
AS 11.71.040 (a)(1), (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(10) (misconduct involving a controlled substance in the fourth degree) Class C Felony			X		(d)(7)
<b>IMITATION CONTROLLED SUBSTANCES</b>					
AS 11.73.010 (manufacture or delivery of an imitation controlled substance) Class C Felony		X			(d)(8)
AS 11.73.020 (possession of substance with intent to manufacture) Class C Felony		X			(d)(8)
AS 11.73.030 (delivery of an imitation controlled substance to a minor) Class B Felony		X			(c)(7)
AS 11.73.040 (advertisement to promote the delivery of an imitation controlled substance) Class C Felony		X			(d)(8)
<b>OTHER CRIMES</b>					
<b>AS 21.36.360 (fraudulent or criminal insurance acts)</b>					
Class B Felony		X			(c)(8)
Class C Felony			X		(d)(10)
<b>AS 21.35.030 (operating a vehicle, aircraft or watercraft while intoxicated)</b>					
(n)-A Class C Felony (if the person convicted has been previously convicted two or more times since January 1, 1996, and within 10 years preceding the date of the present offense)		X			(c)(9)

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

**November 8, 2017**

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods				See 7 AAC 10.905 At
	PERMANENT	10 Year	5 Year	3 Year	
<b>AS 28.35.032 (refusal to submit to chemical test)</b>					
(p) – A Class C Felony (if the person is convicted under this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under AS 28.35.032 (b) was previously imposed within the last 10 years)		X			(c)(10)
AS 47.30.815 (limitation of liability; bad faith application a felony [willful initiation of an involuntary civil commitment procedure without good cause]) Felony			X		(d)(11)

**IMPORTANT NOTES**

- Under AS 12.62.900(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements: (A) a felony offense; (B) a crime involving domestic violence; (C) AS 11.41.410 - 11.41.470; (D) AS 11.51.130 or 11.5 1.200 – 11.56.210; (E) AS 11.61.110(a)(7) or 11.61.125; (F) AS 11.66.100- 11.66.130; (G) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or (H) former AS11.40.080, 11.40.110, 11.40.130,or 11.40.200- 11.40.420, if committed before January .1 1980.
- (2) Under AS 12.63.100(6) "sex offense" means (A) a crime under AS 11.41.100 (a)(3) [murder in the first degree], or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph. "sexual offense" has the meaning given in AS 11.41.100(a)(3); (B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:(i) sexual assault in the first degree; (ii) sexual assault in the second degree; (iii) sexual abuse of a minor in the first degree; or (iv) sexual abuse of a minor in the second degree; (C) a crime, or an attempt solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction: (i) AS 11.41.410 - 11.41.438; (ii) AS 11.41.440(a)(2); (iii) AS 11.41.450 - 11.41.458; (iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense; (v) AS 11.61.125 or 11.61.127; (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160 former AS 11.40.110, or former 11.40.200.
- (3) Under AS 18.66.990(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member: (A)a crime against the person under AS 11.41; (B) burglary under AS 11.46.300 - 11.46.310; (C) criminal trespass under AS 11.46.320 - 11.46.330; (D) arson or criminally negligent burning under AS 11.46.400-11.46.430; (E) criminal mischief under AS 11.46.475 -11.46.486; (F) terrorist threatening under AS 11.56.807 or 11.56.810; (G) violating a protective order under AS 11.56.740(a)(1); or (H) harassment under AS 11.61.120(a)(2) - (4).
- (4) Regardless of the barrier crimes listed above-or the barrier times shown above - the following is a permanent barrier under 7 AAC 10.905(b)(3): a crime that is a felony and involves a victim who was a child under 18 years of age at the time of the conduct, including a crime where the perpetrator was a person responsible for the child's welfare; in this paragraph, "person responsible for the child's welfare" has the meaning given in AS 47.17.290.
- (5) Even though some class B felonies are not classified as permanent barriers, if there is a conviction for two or more those felonies that constitutes a permanent barrier under 7 AAC 10.905(b)( 12).
- (6) AS 47.05.310(c) provides: The department may not issue or renew a license or certification for an entity if an individual is applying for a license, license renewal, certification, or certification renewal for the entity and that (1) individual has been found by a court or agency of this or another jurisdiction to have neglected, abused, or exploited a child or vulnerable adult under AS 47.10, AS 47.24, or AS 47.62 or a substantially similar provision in another jurisdiction, or to have committed medical assistance fraud under AS 47.05.210 or a substantially similar provision in another jurisdiction; or (2) individual's name appears on the centralized registry established under AS 47.05.330 or a similar registry of this state or another jurisdiction.

# Updated Matrix and Fine Schedule

2019



**MAS Disciplinary Sanctions/Fine Schedules**

**December 8, 2017\*\***

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
Unlicensed Practice	1-90 days	\$500 fine	At Boards discretion
Unlicensed Practice	91 days to 1 Year	\$1000 fine	At Boards discretion
Unlicensed Practice	1 year or more	\$2500 fine	At Boards discretion

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
License actions according to 12 AAC 79.900- Code of Ethics	1 <sup>st</sup> offense	Letter of Advisement/ Sanction Fines at Board's Discretion	At Board's Discretion
License actions according to 12 AAC 79.900- Code of Ethics	2 or more offenses	\$250 per offense at the Board's Discretion	At Board's discretion

<b>Violation</b>	<b>Time frame</b>	<b>Sanction/Fine</b>	<b>Amount suspended</b>
Fraud- In obtaining a license	n/a	-Denial or Revocation -4 year wait until reapplication - \$2,500 fine at the Board's Discretion	At Boards discretion
Fraud- In retaining a license	n/a	-Denial or Revocation -4 year wait until reapplication - \$2,500 fine at the Board's Discretion	At Boards discretion

\*\* Updated and approved in Board of Massage Therapist meeting November 30- December 1, 2017

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

**November 8, 2017**

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	<b>A Barrier Within the Following Time Periods</b>					<b>See 7 AAC 10.905 at:</b>
	<b>PERMANENT</b>	<b>10 Year</b>	<b>5 Year</b>	<b>3 Year</b>	<b>1 Year</b>	

**ATTEMPT, SOLICITATION, AND CONSPIRACY**

<b>AS 11.31.100 (attempt to commit a crime)</b>						
Unclassified felony if the crime attempted is murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class A felony if the crime attempted is an unclassified felony other than murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class B felony if the crime attempted is a class A felony	<b>Same barrier as the class A felony attempted</b>					
Class C felony if the crime attempted is a class B felony	<b>Same barrier as the class B felony attempted</b>					
Class A misdemeanor if the crime attempted is a class C felony and is a barrier crime	<b>Same barrier as the class C felony attempted</b>					
Class B misdemeanor if the crime attempted is a class A or class B misdemeanor and is a barrier crime	<b>Same barrier as the misdemeanor attempted</b>					
<b>AS 11.31.110 (solicitation to commit a crime)</b>						
Unclassified felony if the crime solicited is murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class A felony if the crime solicited is an unclassified felony other than murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class B felony if the crime solicited is a class A felony	<b>Same barrier as the class A felony solicited</b>					
Class C felony if the crime solicited is a class B felony	<b>Same barrier as the class B felony solicited</b>					
Class A misdemeanor if the crime solicited is a class C felony and is a barrier crime	<b>Same barrier as the class C felony solicited</b>					
Class B misdemeanor if the crime solicited is a class A or class B misdemeanor and is a barrier crime	<b>Same barrier as the misdemeanor solicited</b>					
<b>AS 11.31.120 (conspiracy to commit a crime)</b>						
Unclassified felony if the object of the conspiracy is murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class A felony if the object of the conspiracy is a crime punishable as an unclassified felony other than murder in the first degree	<b>X</b>					<b>(b)(1)</b>
Class B felony if the object of the conspiracy is a crime punishable as a class A felony	<b>Same barrier as the class A felony involved in the conspiracy</b>					
Class C felony if the object of the conspiracy is a crime punishable as a class B felony	<b>Same barrier as the class B felony involved in the conspiracy</b>					

**OFFENSES AGAINST THE PERSON**

AS 11.41.100 (murder in the first degree) Unclassified Felony	<b>X</b>					<b>(b)(1)</b>
AS 11.41.110 (murder in the second degree) Unclassified Felony	<b>X</b>					<b>(b)(1)</b>
AS 11.41.120 (manslaughter) Class C Felony		<b>X</b>				<b>(b)(1)</b>
AS 11.41.130 (criminally negligent homicide) Class B Felony	<b>X</b>					<b>(b)(1)</b>
AS 11.41.200 (assault in the first degree) Class A Felony	<b>X</b>					<b>(b)(1)</b>
AS 11.41.210 (assault in the second degree) Class B Felony	<b>X</b>					<b>(b)(1)</b>
AS 11.41.220 (assault in the third degree) Class C Felony	<b>X</b>					<b>(b)(4)</b>
AS 11.41.230 (assault in the fourth degree) Class A Misdemeanor			<b>X</b>			<b>(d)(1)(A)</b>
AS 11.41.2S0 (reckless endangerment) Class A Misdemeanor			<b>X</b>			<b>(d)(1)(B)</b>

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

**November 8, 2017**

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods					See 7 AAC 10.905 At:
	PERMANENT	10 Year	5 Year	3 Year	I Year	
AS 11.41.260 (stalking in the first degree) Class C Felony	X					(c)(1)
AS 11.41.270 (stalking in the second degree) Class A Misdemeanor			X			(d)(1)(C)
<b>AS 11.41.300 (kidnapping)</b>						
Unclassified Felony	X					(b)(1)
Class A Felony (victim released without serious injury)	X					(b)(1)
AS 11.41.320 (custodial interference in the first degree) Class C Felony ("crime involving domestic violence")	X					(b)(2)
AS 11.41.330 (custodial interference in the second degree) Class A Misdemeanor			X			(d)(1)(D)
AS 11.41.410 (sexual assault in the first degree) Unclassified Felony ("sex offense")	X					(b)(1)
AS 11.41.420 (sexual assault in the second degree) Class 8 Felony ("sex offense")	X					(b)(1)
AS 11.41.425 (sexual assault in the third degree) Class C Felony ("sex offense")	X					(b)(11)
AS 11.41.427 (sexual assault in the fourth degree Class A Misdemeanor ("sex offense")	X					(b)(11)
AS 11.41.434 (sexual abuse of a minor in the first degree) Unclassified Felony ("sex offense")	X					(b)(1)
AS 11.41.436 (sexual abuse of a minor in the second degree) Class B Felony ("sex offense")	X					(b)(1)
AS 11.41.438 (sexual abuse of a minor in the third degree) Class C Felony ("sex offense")	X					(b)(11)
AS 11.41.440 (sexual abuse of a minor in the fourth degree) Class A Misdemeanor ("sex offense")	X					(b)(11)
AS 11.41.450 (incest) Class C Felony ("sex offense")	X					(b)(11)
<b>AS 11.41.452 (online enticement of a minor)</b>						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper ("sex offense")	X					(b)(1) and (b)(3)
Class C Felony if not required to register as a sex offender or child kidnapper-	X					(b)(3)
AS 11.41.455 (unlawful exploitation of a minor) Class 8 Felony ("sex offense")	X					(b)(1)
AS 11.41.458 (indecent exposure in the first degree) Class C Felony ("sex offense")	X					(b)(11)
<b>AS 11.41.460 (indecent exposure in the second degree) ("sex offense")</b>						
Class A misdemeanor if before a person under 16 years of age	X					(b)(5)
Class B misdemeanor if before a person 16 years age or older	X					(b)(5)
AS 11.41.500 (robbery in the first degree) Class A Felony	X					(b)(1)
AS 11.41.510 (robbery in the second degree) Class B Felony	X					(b)(1)
AS 11.41.520 (extortion) Class B Felony	X					(b)(1)}
AS 11.41.530 (coercion) Class C Felony			X			(d)(1)(E)
<b>OFFENSES AGAINST PROPERTY</b>						
AS 11.46.120 (theft in the first degree) Class B Felony		X				(c)(2)(A)
AS 11.46.130 (theft in the second degree) Class C Felony			X			(d)(2)
AS 11.46.140 (theft in the third degree) Class A Misdemeanor				X		(e)(1)(A)
AS 11.46.220 (concealment of merchandise) if a Class C Felony			X			(d)(2)

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

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	PERMANENT	10 Year	5 Year	3 Year	1 Year	
AS 11.46.260 (removal of identification marks) if a Class C Felony			X			(d)(2)
AS 11.46.270 (unlawful possession) if a Class C Felony			X			(d)(2)
<b>AS 11.46.280 (issuing a bad check)</b>						
If Class B Felony			X			(c)(2)(B)
If Class C Felony				X		(d)(2)
<b>AS 11.46.285 (fraudulent use of an access device)</b>						
If Class B Felony		X				(c)(2)(C)
If Class C Felony			X			(d)(2)
AS 11.46.290 (obtaining an access device or identification document by fraudulent means) Class C Felony			X			(d)(2)
AS 11.46.300 (burglary in the first degree) Class B Felony		X				(c)(2)(D)
AS 11.46.310 (burglary in the second degree) Class C Felony			X			(d)(2)
AS 11.46.320 (criminal trespass in the first degree) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(B)
AS 11.46.360 (vehicle theft in the first degree) Class C Felony			X			(d)(2)
AS 11.46.400 (arson in the first degree) Class A Felony	X					(b)(6)
AS 11.46.410 (arson in the second degree) Class B Felony	X					(b)(6)
AS 11.46.430 (criminally negligent burning) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(C)
AS 11.46.475 (criminal mischief in the first degree) Class A Felony		X				(c)(2)(E)
AS 11.46.480 (criminal mischief in the second degree) Class B Felony		X				(c)(2)(f)
AS 11.46.482 (criminal mischief in the third degree) Class C Felony			X			(d)(2)
AS 11.46.484 (criminal mischief in the fourth degree) Class A Misdemeanor (if domestic violence crime)				X		(e)(1)(D)
AS 11.46.486 (criminal mischief in the fifth degree) Class B Misdemeanor (if domestic violence crime)					X	(t)(1)
AS 11.46.500 (forgery in the first degree) Class B Felony		X				(c)(2)(G)
AS 11.46.505 (forgery in the second degree) Class C Felony			X			(d)(2)
AS 11.46.510 (forgery in the third degree) Class A Misdemeanor				X		(e)(1)(E)
AS 11.46.520 (criminal possession of a forgery device) Class C Felony			X			(d)(2)
AS 11.46.530 (criminal simulation) If a Class C Felony			X			(d)(2)
AS 11.46.550 (offering a false instrument for recording in the first degree) Class C Felony			X			(d)(2)
AS 11.46.565 (criminal impersonation in the first degree) Class B Felony		X				(c)(2)(H)
AS 11.46.600 (scheme to defraud) Class B Felony		X				(c)(2)(1)
AS 11.46.620 (misapplication of property) if a Class C Felony			X			(d)(2)
AS 11.46.630 (falsifying business records) Class C Felony			X			(d)(2)
AS 11.46.660 (commercial bribe receiving) Class C Felony			X			(d)(2)
AS 11.46.670 (commercial bribery) Class C Felony			X			(d)(2)

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	PERMANENT	10 Year	5 Year	3 Year	1 Year	
<b>AS 11.46.710 (deceptive business practices)</b>						
Class C Felony			X			(d)(2)
Class A Misdemeanor				X		(e)(1)(F)
<b>AS 11.46.730 (defrauding creditors)</b>						
If Class B Felony		X				(c)(2)(J)
If Class C Felony			X			(d)(2)
AS 11.46.740 (criminal use of computer) Class C Felony			X			(d)(2)
<b>OFFENSES AGAINST THE FAMILY AND VULNERABLE ADULTS,</b>						
<b>AS 11.51.100 (endangering the welfare of a child in the first degree)</b>						
If Class B Felony (if child dies)	X					(b)(7)(A)
If Class C Felony (if the child suffers sexual contact, sexual penetration, or serious physical injury)	X					(b)(7)(A)
If Class A Misdemeanor (if the child suffers physical injury)	X					(b)(7)(A)
AS 11.51.110 (endangering the welfare of a child in the second degree) Violation			X			(d)(3)(A)
<b>AS 11.51.120 (criminal nonsupport)</b>						
Class C Felony			X			(d)(3)(B)
Class A Misdemeanor				X		(e)(2)
AS 11.51.121 (aiding the non-payment of child support in the first degree) Class C Felony			X			(d)(3)(C)
AS 11.51.130 (contributing to the delinquency of a minor) Class A Misdemeanor			X			(d)(3)(D)
AS 11.51.200 (endangering the welfare of a vulnerable adult in the first degree) Class C Felony	X					(b)(7)(8)
AS 11.51.210 (endangering the welfare of a vulnerable adult in the second degree) Class A Misdemeanor	X					(b)(7)(C)
<b>OFFENSES AGAINST PUBLIC ADMINISTRATION</b>						
AS 11.56.740 (violating a protective order) Class A Misdemeanor (if domestic violence crime)		X				(e)(3)(A)
AS 11.56.745 (interfering with a report of a crime involving domestic violence) Class A Misdemeanor				X		(e)(3)(B)
AS 11.56.750 (unlawful contact in the first degree) Class A Misdemeanor				X		(f)(2)
AS 11.56.755 (unlawful contact in the second degree) Class B Misdemeanor or Violation				X		(f)(2)
AS 11.56.765 (failure to report a violent crime committed against a child) Class A Misdemeanor			X			(d)(4)(A)
AS 11.56.807 (terroristic threatening in the first degree) Class B Felony (if domestic violence crime)		X				(c)(3)
AS 11.56.810 (terroristic threatening in the second degree) Class C Felony (if domestic violence crime)			X			(d)(4)(8)
AS 11.56.815 (tampering with public records in the first degree) Class C Felony			X			(d)(4)(C)
AS 11.56.835 (failure to register as a sex offender or child kidnapper in the first degree) Class C Felony	X					(b)(8)(A)
AS 11.56.840 (failure to register as a sex offender or child kidnapper in the second degree) Class A Misdemeanor	X					(b)(8)(B)

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BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	<b>A Barrier Within the Following Time Periods</b>					<b>See 7 AAC 10.905 At</b>
	<b>PERMANENT</b>	<b>10 Year</b>	<b>5 Year</b>	<b>3 Year</b>	<b>1 Year</b>	

**OFFENSES AGAINST PUBLIC ORDER**

AS 11.61.120 (harassment) Class B Misdemeanor (if domestic violence crime)					<b>X</b>	<b>(f)(3)</b>
<b>AS 11.61.123 (indecent viewing or photography)</b>						
Class C Felony	<b>X</b>					<b>(b)(9)(A)</b>
Class A Misdemeanor	<b>X</b>					<b>(b)(9)(A)</b>
<b>AS 11.61.125 (distribution of child pornography) ("sex offense")</b>						
Class A Felony	<b>X</b>					<b>(b)(9)(B)</b>
Class B Felony	<b>X</b>					<b>(b)(9)(B)</b>
AS 11.61.127 (possession of child pornography) Class C Felony ("sex offense")	<b>X</b>					<b>(b)(9)(B)</b>
<b>AS 11.61.128 (electronic distribution of indecent material to a minor)</b>						
Class B Felony if the defendant was required to register as a sex offender or child kidnapper	<b>X</b>					<b>(b)(3)</b>
Class C Felony if not required to register as a sex offender or child kidnapper	<b>X</b>					<b>(b)(3)</b>
AS 11.61.130 (misconduct involving a corpse) Class A Misdemeanor			<b>X</b>			<b>(d)(5)(A)</b>
AS 11.61.140 (cruelty to animals) Class A Misdemeanor		<b>X</b>				<b>(d)(5)(B)</b>
AS 11.61.145 (promoting and exhibition of fighting animals, if Class C Felony)		<b>X</b>				<b>(d)(5)(C)</b>
AS 11.61.190 (misconduct involving weapons in the first degree) Class A Felony		<b>X</b>				<b>(c)(4)(A)</b>
AS 11.61.195 (misconduct involving weapons in the second degree) Class B Felony		<b>X</b>				<b>(c)(4)(B)</b>
AS 11.61.200 (misconduct involving weapons in the third degree) Class C Felony			<b>X</b>			<b>(d)(5)(D)</b>
<b>AS 11.61.240 (criminal possession of explosives)</b>						
Class A Felony		<b>X</b>				<b>(c)(4)(C)</b>
Class B Felony		<b>X</b>				<b>(c)(4)(C)</b>
Class C Felony			<b>X</b>			<b>(d)(5)(E)</b>
Class A Misdemeanor				<b>X</b>		<b>(c)(4)</b>
AS 11.61.250 (unlawful furnishing of explosives) Class C Felony			<b>X</b>			<b>(d)(5)(F)</b>

**OFFENSES AGAINST PUBLIC HEALTH AND DECENCY**

<b>AS 11.66.110 (promoting prostitution in the first degree)</b>						
Class A Felony - If the person who was induced or caused to engage in prostitution was under 16 years of age	<b>X</b>					<b>(b)(10)(A)</b>
Class B Felony						
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	<b>X</b>					<b>(b)(10)(A)</b>
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense	<b>X</b>					<b>(c)(5)</b>

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

**November 8, 2017**

The crimes listed in this document bar an individual from being associated in any manner described in 7 AAC 10.900(b) with any entity or individual service provider that is subject to the requirements of AAC 10.900 7 AAC 10.990.

DISCLAIMER: this matrix is provided as an information tool only. The department does not warrant that the information in this document is accurate, nor should anyone rely upon this document as controlling legal authority regarding the time associated with any barrier crime. The regulations are the legal authority that should be relied upon and if there are any questions, individuals should refer to the regulations which will control if there are any discrepancies. The Board has the right to consider other information available.

BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods				See 7 AAC 10.905 At
	PERMANENT	10 Year	5 Year	3 Year	
<b>AS 11.66.120 (promoting prostitution in the second degree) Class C Felony</b>					
If the person who was induced or caused to engage in prostitution was under 16 years of age	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	X				(b)(10)(B)
If the person who was induced or caused to engage in prostitution was 18 years of age or older at the time of the offense	X				(d)(6)
<b>AS 11.66.130 (promoting prostitution in the third degree) Class A Misdemeanor</b>					
If the person who was induced or caused to engage in prostitution was under 16 years of age	X				(b)(10)(C)
If the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense ("sex offense")	X				(b)(10)(C)
<b>CONTROLLED SUBSTANCES</b>					
AS 11.71.010 (misconduct involving a controlled substance in the first degree) Unclassified Felony		X			(C)(6)
AS 11.71.020 (misconduct involving a controlled substance in the second degree) Class A Felony		X			(c)(6)
AS 11.71.030 (misconduct involving a controlled substance in the third degree) Class B Felony		X			(c)(6)
AS 11.71.040 (a)(1), (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), or (a)(10) (misconduct involving a controlled substance in the fourth degree) Class C Felony			X		(d)(7)
<b>IMITATION CONTROLLED SUBSTANCES</b>					
AS 11.73.010 (manufacture or delivery of an imitation controlled substance) Class C Felony		X			(d)(8)
AS 11.73.020 (possession of substance with intent to manufacture) Class C Felony		X			(d)(8)
AS 11.73.030 (delivery of an imitation controlled substance to a minor) Class B Felony		X			(c)(7)
AS 11.73.040 (advertisement to promote the delivery of an imitation controlled substance) Class C Felony		X			(d)(8)
<b>OTHER CRIMES</b>					
<b>AS 21.36.360 (fraudulent or criminal insurance acts)</b>					
Class B Felony		X			(c)(8)
Class C Felony			X		(d)(10)
<b>AS 21.35.030 (operating a vehicle, aircraft or watercraft while intoxicated)</b>					
(n)-A Class C Felony (if the person convicted has been previously convicted two or more times since January 1, 1996, and within 10 years preceding the date of the present offense)		X			(c)(9)

**MAS BARRIER CRIMES MATRIX FOR THE BARRIER CRIMES LISTED 7 AAC 10.905**

**November 8, 2017**

The crimes listed in this document bar an individual from being associated in any manner described in 7 AAC 10.900(b) with any entity or individual service provider that is subject to the requirements of AAC 10.900 7 AAC 10.990.

DISCLAIMER: this matrix is provided as an information tool only. The department does not warrant that the information in this document is accurate, nor should anyone rely upon this document as controlling legal authority regarding the time associated with any barrier crime. The regulations are the legal authority that should be relied upon and if there are any questions, individuals should refer to the regulations which will control if there are any discrepancies. The Board has the right to consider other information available.

BARRIER CRIME [See notes at end of table for conditions that increase some barrier times]	A Barrier Within the Following Time Periods				See 7 AAC 10.905 At
	PERMANENT	10 Year	5 Year	3 Year	
<b>AS 28.35.032 (refusal to submit to chemical test)</b>					
(p) – A Class C Felony (if the person is convicted under this section and either has been previously convicted two or more times since January 1, 1996, and within the 10 years preceding the date of the present offense, or punishment under AS 28.35.032 (b) was previously imposed within the last 10 years)		X			(c)(10)
AS 47.30.815 (limitation of liability; bad faith application a felony [willful initiation of an involuntary civil commitment procedure without good cause]) Felony			X		(d)(11)

**IMPORTANT NOTES**

- (1) Under AS 12.62.900(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements: (A) a felony offense; (B) a crime involving domestic violence; (C) AS 11.41.410 - 11.41.470; (D) AS 11.51.130 or 11.5 1.200 – 11.56.210; (E) AS 11.61.110(a)(7) or 11.61.125; (F) AS 11.66.100- 11.66.130; (G) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or (H) former AS11.40.080, 11.40.110, 11.40.130,or 11.40.200- 11.40.420, if committed before January .1 1980.
- (2) Under AS 12.63.100(6) "sex offense" means (A) a crime under AS 11.41.100 (a)(3) [murder in the first degree], or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph. "sexual offense" has the meaning given in AS 11.41.100(a)(3); (B) a crime under AS 11.41.110(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:(i) sexual assault in the first degree; (ii) sexual assault in the second degree; (iii) sexual abuse of a minor in the first degree; or (iv) sexual abuse of a minor in the second degree; (C) a crime, or an attempt solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction: (i) AS 11.41.410 - 11.41.438; (ii) AS 11.41.440(a)(2); (iii) AS 11.41.450 - 11.41.458; (iv) AS 11.41.460 if the indecent exposure is before a person under 16 years of age and the offender has a previous conviction for that offense; (v) AS 11.61.125 or 11.61.127; (vi) AS 11.66.110 or 11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense; or (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160 former AS 11.40.110, or former 11.40.200.
- (3) Under AS 18.66.990(3) "domestic violence" and "crime involving domestic violence" mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member: (A)a crime against the person under AS 11.41; (B) burglary under AS 11.46.300 - 11.46.310; (C) criminal trespass under AS 11.46.320 - 11.46.330; (D) arson or criminally negligent burning under AS 11.46.400-11.46.430; (E) criminal mischief under AS 11.46.475 -11.46.486; (F) terrorist threatening under AS 11.56.807 or 11.56.810; (G) violating a protective order under AS 11.56.740(a)(1); or (H) harassment under AS 11.61.120(a)(2) - (4).
- (4) Regardless of the barrier crimes listed above-or the barrier times shown above - the following is a permanent barrier under 7 AAC 10.905(b)(3): a crime that is a felony and involves a victim who was a child under 18 years of age at the time of the conduct, including a crime where the perpetrator was a person responsible for the child's welfare; in this paragraph, "person responsible for the child's welfare" has the meaning given in AS 47.17.290.
- (5) Even though some class B felonies are not classified as permanent barriers, if there is a conviction for two or more those felonies that constitutes a permanent barrier under 7 AAC 10.905(b)( 12).
- (6) AS 47.05.310(c) provides: The department may not issue or renew a license or certification for an entity if an individual is applying for a license, license renewal, certification, or certification renewal for the entity and that (1) individual has been found by a court or agency of this or another jurisdiction to have neglected, abused, or exploited a child or vulnerable adult under AS 47.10, AS 47.24, or AS 47.62 or a substantially similar provision in another jurisdiction, or to have committed medical assistance fraud under AS 47.05.210 or a substantially similar provision in another jurisdiction; or (2) individual's name appears on the centralized registry established under AS 47.05.330 or a similar registry of this state or another jurisdiction.



# FSMTB State Requirements Breakdown

2019

## State Massage Licensure & Renewal Requirements

State	Designation	Licensure Requirements				Reciprocity/Endorsement
		Educational Hours	Exam	CE/Renewal Cycle	Additional Requirements/Other Notes	
Alabama	License (LMT)	650	MBLEx, NCB Exam	16 CE hrs/2 years	<ul style="list-style-type: none"> <li>Required to produce evidence of \$1,000,000 personal liability insurance coverage.</li> <li>2 passport photos</li> </ul>	<ul style="list-style-type: none"> <li>Other state must have standards of practice or licensure that are equal to or stricter than Alabama requirements.</li> </ul>
Alaska	License (LMT)	500	MBLEx NCB Exam* If the exam took place before February 2015	16 CE hrs/2 years	<ul style="list-style-type: none"> <li>Background check</li> <li>CPR certification</li> </ul>	<ul style="list-style-type: none"> <li>Other state must be substantially equal to or greater than Alaska's requirements.</li> </ul>
Arizona	License	700	MBLEx (not required if school is accredited in Arizona)	24 CE hrs/2 years *Max of 12 hrs online	<ul style="list-style-type: none"> <li>The MBLEx is not required if the candidate has graduated from an accredited Arizona school. If the school is not accredited OR is an accredited school outside of Arizona, candidates must take the MBLEx exam.</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Continuously licensed for last 5 years in a state with substantially similar standards, or</li> <li>Current certification from NCBTMB or other agency that meets NCCA standards and received education &amp; training substantially similar to that required by Arizona.</li> </ul>
Arkansas	License	500	MBLEx	18 CE hrs/2 years *Max of 6 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> <li>TB Test</li> </ul>	<ul style="list-style-type: none"> <li>May enter into reciprocal relationships with states that have substantially similar requirements.</li> </ul>
California	Voluntary Certification	500	MBLEx (suspended till 2021)	No CE Required/2 years	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Applicant must meet California requirements</li> <li>Other state must meet or exceed California standards</li> <li>May give credit for comparable education from an unapproved school outside CA</li> </ul>
Colorado	License	500	MBLEx	24 hours/2 years OR 400 hours of practice in a 1 year timeframe	<ul style="list-style-type: none"> <li>Background check</li> <li>Obtain liability insurance</li> </ul>	<ul style="list-style-type: none"> <li>Substantially equivalent standards</li> <li>Applicant submits proof of experience &amp; competence</li> </ul>
Connecticut	License	500	MBLEx	24 CE hrs/4 years *Max 6 CE hrs online	--	<ul style="list-style-type: none"> <li>Must be licensed in another state, show proof of practice of massage for a least a year and MBLEx passage OR</li> <li>Must show graduation from nationally accredited school and MBLEx passage</li> </ul>

## State Massage Licensure & Renewal Requirements

Delaware	License (Tier 1) OR Certification (Tier 2)	Tier 1: 500 Tier 2: 300	Tier 1: MBLEEx Tier 2: None	Tier 1: 24 CE hrs/2 years Tier 2: 12 CE hrs/2 years	<ul style="list-style-type: none"> <li>Both tiers require CPR certification</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Must meet character and criminal background requirements for licensure</li> <li>Must have practiced continually for 2 years prior to application</li> </ul>
District of Columbia	License	500	MBLEEx	12 CE hrs/2 years *Max 6 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Different requirements for endorsement and reciprocity</li> </ul>
Florida	License	500	MBLEEx	24 CE hrs/2 years *Max 12 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Must be licensed and have practiced in another state with substantially similar requirements</li> <li>Must complete course on FL massage laws</li> <li>Completes MBLEEx,</li> </ul>
Georgia	License	500	MBLEEx	24 CE hrs/2 years *Max 12 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Must have standards substantially equal to GA</li> <li>Must provide additional information</li> </ul>
Hawaii	License	570	State Exam	No CE required/2 years.	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification by the American Red Cross or the American Heart Association.</li> </ul>	<ul style="list-style-type: none"> <li>Permits licensure by endorsement for military spouses</li> </ul>
Idaho	License	500	MBLEEx NCETM Other National Exams	6 CE hrs/1 year	--	<ul style="list-style-type: none"> <li>Must have standards substantially equivalent to Idaho</li> </ul>
Illinois	License	600	MBLEEx	24 CE hrs/2 years *Max 12 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Must have substantially equivalent requirements at the time of licensure</li> </ul>
Indiana	Voluntary Certification <sup>1</sup>	500	MBLEEx NCB	No CE required <sup>2</sup> /4 years.	<ul style="list-style-type: none"> <li>Proof of professional liability insurance</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Must have credentialing standards at least as strict as Indiana</li> </ul>
Iowa	License	600	MBLEEx	12 CE hrs per year	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification by the American Red Cross, American Heart Association or the National Safety Council.</li> </ul>	<ul style="list-style-type: none"> <li>Must show licensing requirements similar to Iowa</li> </ul>
Kansas	No State Regulation	--	--	--	--	--

<sup>1</sup> But see 2017 Indiana House Bill 1289, 120<sup>th</sup> Gen. Assem., Reg. Sess., (2017) (enacted) (transitions the state from voluntary certification to mandatory licensure beginning 183 days after the promulgation of licensure rules).

<sup>2</sup> See *id.*, requires 24 hours of continuing education every 4 years.

## State Massage Licensure & Renewal Requirements

Kentucky	License	600	MBLEx NCB	24 CE hrs/2 years	<ul style="list-style-type: none"> <li>Background Check</li> </ul>	<ul style="list-style-type: none"> <li>Must have standards at least as stringent as Kentucky's.</li> <li>Board may grant credit for initial education, experience and CE</li> </ul>
Louisiana	License	500	MBLEx NCV	12 CE hrs/1 year	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Requirements substantially conform to Louisiana standards and requirements</li> </ul>
Maine	License	500	MBLEx (alt. to ed.)	No CE required/1 year	<ul style="list-style-type: none"> <li>You are not required to complete both the education hours and the MBLEx. You are only required to complete one of them for licensure.</li> <li>Application requires proof of CPR certification.</li> <li>Background check</li> </ul>	--
Maryland	Tier 1: License Tier 2: Register	Tier 1: 600 & 60 college credit Tier 2: 600	MBLEx	Tier 1: 24 CE hrs/2 years Tier 2: 24 CE hrs/2 years	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification</li> <li>Candidate must take and pass a jurisprudence examination</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Requires completion of educational requirements equivalent to the Board approved educational requirements in Maryland</li> </ul>
Massachusetts	License	650	Not required	No CE required <sup>3</sup> /1 year	<ul style="list-style-type: none"> <li>Proof of professional liability insurance of at least \$1,000,000</li> </ul>	<ul style="list-style-type: none"> <li>Reasonably equivalent standards</li> </ul>
Michigan	License	625	MBLEx or NCETMB	18 CE hrs/3 years	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Substantially equivalent requirements</li> </ul>
Minnesota	No State Regulation	--	--	--	--	--
Mississippi	License	700	MBLEx MSPLE NCETMB	12 CE hrs/1 year *Max of 5 CE hrs online	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification by the American Red Cross, American Heart Association or the American Safety and Health Institute</li> <li>Application requires proof of HIV/AIDS awareness training</li> <li>Candidate must pass jurisprudence exam</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Substantially similar standards</li> <li>Must pass Mississippi state law exam</li> </ul>
Missouri	License	500	(Statistically valid examination) MBLEx	12 CE hrs/2 years	<ul style="list-style-type: none"> <li>Background check</li> <li>State/jurisprudence exam</li> </ul>	<ul style="list-style-type: none"> <li>Substantially conform to Missouri requirements</li> </ul>
Montana	License	500	MBLEx	12 CE hrs/2 years	--	<ul style="list-style-type: none"> <li>State requirements must include curriculum breakdown required by Montana</li> </ul>

<sup>3</sup> Massachusetts statute permits continuing education for renewal (Mass. Gen. Laws ch. 112, §229 (2016)) but the Massachusetts Board has not yet promulgated a rule requiring it.

## State Massage Licensure & Renewal Requirements

Nebraska	License	1,000	MBLEx NCETM ACE NCETMB	24 CE hrs/2 years *Max of 7 CE hrs online	--	<ul style="list-style-type: none"> <li>Must meet NE requirements.</li> <li>Board may grant credit towards 1,000 hour education requirement for work experience and CE</li> </ul>
Nevada	License	550	MBLEx	24 CE hrs/1 year	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Requirements at time of issuance of license must be substantially equivalent to NV requirements</li> </ul>
New Hampshire	License	750	MBLEx	12 CE hrs/2 years	<ul style="list-style-type: none"> <li>Application requires proof of CPR and First Aid certification</li> </ul>	<ul style="list-style-type: none"> <li>Substantially equivalent requirements</li> </ul>
New Jersey	License	500	MBLEx NCBTMB NCCAOM	20 CE hrs/2 years *Must maintain CPR cert. *Max of 6 CE hrs online	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Substantially similar education requirement</li> </ul>
New Mexico	License	650	MBLEx NCETMB	16 CE hrs/2 years *Max of 8 CE hours online	<ul style="list-style-type: none"> <li>State/ jurisprudence exam</li> <li>Application requires proof of CPR and First Aid certification</li> </ul>	<ul style="list-style-type: none"> <li>Education and examination requirements must be equivalent to NM requirements</li> </ul>
New York	License	1,000	State exam	36 CE hrs/3 years *Max of 12 CE hrs online	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification.</li> </ul>	<ul style="list-style-type: none"> <li>Two options for endorsement with varying levels of professional experience depending on education</li> </ul>
North Carolina	License	500	MBLEx NCETMB NCETM ABTE	24 CE hrs/2 years *Max 12 CE hrs online	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Substantially equivalent requirements</li> <li>Must demonstrate proficiency in English language</li> <li>Provides pathway to licensure for practitioners from an unregulated state</li> </ul>
North Dakota	License	750	MBLEx Other tests approved by board	24 CE hrs/2 years *Max of 10 CE hrs online	<ul style="list-style-type: none"> <li>Application requires proof of CPR certification.</li> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Requires active practice for 2 of last 3 years</li> <li>Required to pass Jurisprudence exam</li> </ul>
Ohio	License	750	MBLEx	No CE required <sup>4</sup> /2 years	<ul style="list-style-type: none"> <li>Background check</li> </ul>	<ul style="list-style-type: none"> <li>Licensed for not less than 5 years preceding application</li> </ul>
Oklahoma	License	500	MBLEx	5 CE hrs/1 years	<ul style="list-style-type: none"> <li>Maintain liability insurance</li> </ul>	<ul style="list-style-type: none"> <li>Must meet state requirements</li> </ul>

<sup>4</sup> The Ohio Board is in the process of promulgating rules to require 12 hours of continuing education every 2 years. See proposed changes to proposed rule 4731-1-24: Massage therapy renewal and continuing education (March 9, 2017)

## State Massage Licensure & Renewal Requirements

Oregon	License	625	MBLEx	25 CE hrs / 2 years *Max of 10 CE hrs online	<ul style="list-style-type: none"> <li>▪ Jurisprudence Examination</li> <li>▪ CPR certification</li> <li>▪ Background check</li> <li>▪ Personal references</li> </ul> CE <ul style="list-style-type: none"> <li>▪ 15 contact hours</li> <li>▪ 4 Professional Ethics, Boundaries and/or Communication.</li> <li>▪ 10 may be non-contact or contact includes web-based)</li> <li>▪ 334-010-0050</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requirements may not be less than OR</li> </ul>
Pennsylvania	License	600	MBLEx	24 CE hrs/2 years *Max of 8 CE hrs online **Maintain CPR certification	<ul style="list-style-type: none"> <li>▪ Application requires proof of CPR certification</li> <li>▪ Background check</li> </ul> CE <ul style="list-style-type: none"> <li>▪ 24 per 2 years</li> <li>▪ 4 ethics</li> <li>▪ 16 contact hours</li> <li>▪ renew CPR</li> <li>▪ ss 20.32</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must meet state requirements</li> <li>▪ provide transcript from school</li> <li>▪ verification of current license in good standing</li> <li>▪ verification of exam pass</li> <li>▪ ss 20.25</li> </ul>
Puerto Rico	License	1,000	MBLEx	30 CE hrs/3 years	<ul style="list-style-type: none"> <li>▪ Application requires proof of CPR certification</li> <li>▪ Application requires proof of professional liability insurance</li> <li>▪ Background check</li> <li>▪ CPR examination</li> <li>▪ HIV workshop</li> <li>▪ Health certificate (annually)</li> <li>▪ ASUME Certificate (child support)</li> <li>▪ Certificate of no debts from Treasury Dept.</li> </ul>	--no current information
Rhode Island	License	500	MBLEx	6 CE hrs/1year	<ul style="list-style-type: none"> <li>▪ Background check</li> </ul>	<ul style="list-style-type: none"> <li>▪ Equal to or exceeds requirements,</li> <li>▪ R.I. Gen. Laws § 23-20.8-5</li> </ul>
South Carolina	License	500	MBLEx	12 CE hrs/2 years	--40-30-190 12 per 2 years includes correspondence courses	<ul style="list-style-type: none"> <li>▪ Substantially similar requirements</li> <li>▪ submit certificate attesting licensure from initial state licensed in</li> <li>▪ Application and fee</li> <li>▪ 77-105</li> </ul>
South Dakota	License	500	MBLEx	8 CE hrs/2 years	<ul style="list-style-type: none"> <li>▪ Application requires proof of professional liability insurance of at least \$250,000 36-35-12.</li> <li>▪ 8 CE may all be online 36-35-19</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not less restrictive requirements</li> <li>▪ Verification of good standing, currently licensed for at least 2 years</li> <li>▪ (200) hours of "patient" contact in last 2 years 36-35-05</li> </ul>

## State Massage Licensure & Renewal Requirements

Tennessee	License	500	MBLEx	24 CE hrs/2 years	<ul style="list-style-type: none"> <li>▪ Background check</li> <li>CE</li> <li>TN 0870-01-.12</li> <li>2hrs statutes and rules</li> <li>2hrs management of practicing massage therapy , professional ethics or substance abuse.</li> <li>8 hrs max online/multimedia</li> <li>*massage establishment owners that are not LMT's must complete 2 hrs of statutes and rules every 2 yrs.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must either meet education and exam requirements or submit proof of NCBTMB certification for 5 years prior</li> <li>▪ Applicants for reciprocity required to take 5 hours of TN massage laws</li> <li>▪ ten classroom hours of ethics instruction</li> <li>▪ TN Rule 0870-01-.05</li> </ul>
Texas	License	500	MBLEx	12 CE hrs/2 years	<ul style="list-style-type: none"> <li>▪ Background check</li> </ul>	<ul style="list-style-type: none"> <li>▪ Substantially equivalent requirements</li> <li>▪ Proof of passing massage therapy exam within past two years</li> <li>▪ proof of passing department's jurisprudence exam</li> </ul>
Utah	License	600	MBLEx	No CE required/2 years	<ul style="list-style-type: none"> <li>▪ Background check</li> </ul>	<ul style="list-style-type: none"> <li>▪ Must substantially meet curriculum requirements</li> </ul>
Vermont	No State Regulation	--	--	--	--	--
Virginia	License	500	MBLEx	24 CE hrs/2 years	<ul style="list-style-type: none"> <li>▪ Background check</li> </ul> <p>Renewal</p> <ul style="list-style-type: none"> <li>▪ Hold NCBTMB Certification or</li> <li>▪ 1 hour professional Ethics</li> <li>▪ 12 hours from               <ul style="list-style-type: none"> <li>○ NCBTMB</li> <li>○ FSMTB</li> <li>○ AMTA</li> <li>○ ABMP</li> <li>○ COMTA</li> <li>○ accredited school or MT program</li> <li>○ school approved by Virginia Higher Ed. Department.</li> </ul> </li> </ul> <p>No more than 12 hours from the following courses</p> <ul style="list-style-type: none"> <li>● consultation</li> <li>● independent reading or research</li> <li>● preparation for presentation</li> <li>● CPR</li> <li>● other experiences that promote learning</li> </ul>	<ul style="list-style-type: none"> <li>▪ Substantially equivalent requirements</li> </ul>

## State Massage Licensure & Renewal Requirements

Virgin Islands	Regulation Passed/Waiting on Rules	--	--	--	--	--
Washington	License	500	MBLEx	24 CE hrs/2 years *Max 12 CE hrs online	<ul style="list-style-type: none"> <li>4 hours of AIDS/HIV training</li> <li>Applicants are required to have CPR and First Aid certification from the Red Cross or the American Heart Association</li> <li>Background check</li> <li>8 hours supervised massage skills</li> <li>4 hours ethics, 2 must include professional roles and boundaries</li> <li>self study, teaching, distance learning, service on massage board or committee all accepted.</li> </ul>	<ul style="list-style-type: none"> <li>Education and examination requirements must be substantially equivalent</li> </ul>
West Virginia	License	500	NCTMB MBLEx	24 CE hrs/2 years	<p>CE requirements conform to NCBTMB certification renewal requirements. wv194-1-3.15</p> <p>-3 hours of professional ethics</p> <p>-6 hours can be "carried over" to another license renewal period. Must be beyond the required 24.</p>	<ul style="list-style-type: none"> <li>Must meet WV standards</li> <li>Education must meet NCBTMB standards</li> </ul>
Wisconsin	License	600	NCTMB MBLEx	24 CE hrs/2 years	<ul style="list-style-type: none"> <li>Application requires proof of professional liability insurance of at least \$1,000,000</li> <li>Applicants are required to pass a jurisprudence exam</li> <li>Applicants are required to have CPR/AED training certification</li> <li>renewal requires 2 hours of ethics</li> <li>Acceptable CE activities, local, state, national chapters of professional orgs, MT schools, higher ed programs.</li> <li>includes NCCAOM, NCBTMB, FSMTB for acceptable continuing education MTBT 7.03</li> </ul>	<ul style="list-style-type: none"> <li>Substantially equivalent requirements, to include certification by NCBTMB and 500 hours of education approved by an accrediting agency</li> </ul>
Wyoming	No State Regulation	--	--	--	--	--





## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

State	Designation	Education Hours	Initial Curriculum Requirements	Approved Schools
Alabama	License (LMT)	650	<ul style="list-style-type: none"> <li>▪ 100 hours of anatomy and physiology to include 35 hours of myology, 15 hours of osteology, 10 hours of circulatory system, and 10 hours of nervous system, with the remaining 30 hours to address other body systems at the discretion of the school;</li> <li>▪ 40 Hours of pathology</li> <li>▪ 250 hours of basic massage therapy, the contradistinctions of massage therapy, and related touch therapy modalities, to include a minimum of 50 hours of supervised massage;</li> <li>▪ 50 hours to include business, hydrotherapy, first aid, cardiopulmonary resuscitation, and professional ethics; and</li> <li>▪ 210 hours of electives to be determined by the school.</li> </ul> <p><i>Ala. Admin. Code r. 532-x-3-.01</i></p>	<p>Schools must apply for approval from the board of massage therapy and must meet requirements set forth in rule.</p> <p>List of board approved schools is available on the website:  <a href="http://www.almtbd.state.al.us/licensee.aspx">http://www.almtbd.state.al.us/licensee.aspx</a></p>
Alaska	License (LMT)	500	<p>500 hours of in-class supervised instruction and clinical work from an approved massage therapy school (increasing to 625 on July 1, 2019). Curriculum not otherwise specified.</p> <ul style="list-style-type: none"> <li>- CPR certification</li> <li>- 4 hours of safety education in blood borne pathogens and universal precautions (reducing to 2 hours on July 1, 2019).</li> </ul> <p><i>12 AAC 79.100 (2)(A), (4), (5)</i></p>	<p>Schools must be recognized by one of the following accrediting/credentialing agencies:</p> <p>National- COMTA            State- Equivalent to the Alaska Commission on Postsecondary Education</p>
Arizona	License	700	<p>- 700 classroom and clinical hours of supervised instruction at a Board recognized school. No curriculum requirements listed.</p> <p><i>R4-15-201</i></p>	<p>State Board recognizes and approves schools that are accredited to offer massage therapy education by an agency recognized by the Department of Education.</p>
Arkansas	License	500	<p>(e) The department may certify the school and provide for licensure thereof if the school follows a curriculum consisting of not fewer than five hundred (500) hours of in-classroom instruction over a term of not fewer than four (4) months consisting of the following subjects:</p> <ol style="list-style-type: none"> <li>(1) One hundred seventy-five (175) hours of anatomy, physiology, pathology, and contraindications to massage therapy;</li> <li>(2) Two hundred twenty-five (225) hours of technique;</li> <li>(3) Twenty-five (25) hours of hydrotherapy, electrotherapy, and heliotherapy;</li> <li>(4) Twenty-five (25) hours of hygiene and infection control;</li> <li>(5) Twenty-five (25) hours of massage therapy law, business management, and professional ethics; and</li> <li>(6) Twenty-five (25) hours of related subjects as approved by the department</li> </ol> <p><i>Ark. Code Ann. §17-86-306 (2015)</i></p>	<p>Schools must be approved by Board and be granted a certificate of licensure in accordance with board rules.</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

California	Voluntary Certification	500	<p>(2) The applicant has successfully completed the curricula in massage and related subjects totaling a minimum of 500 hours, or the credit unit equivalent, that incorporates appropriate school assessment of student knowledge and skills.</p> <p>(A) Of the 500 hours, a minimum of 100 hours of instruction shall address anatomy and physiology, contraindications, health and hygiene, and business and ethics.</p> <p><i>(Chapter 406) 4604.</i></p> <p>5 E (a) Of the 100 supervised hours, the following shall apply:</p> <ul style="list-style-type: none"> <li>▪ 64 hours of anatomy and physiology</li> <li>▪ 13 hours of contraindications</li> <li>▪ 5 hours of health and hygiene</li> <li>▪ 18 hours of business and ethics</li> </ul> <p><i>CAMTC Policies and Procedures for Approval of Schools, Approved and Effective 2/22/2018</i></p>	<p>Schools must be approved by both CAMTC and BPPE. List of schools currently approved by CAMTC available on website: <a href="https://www.camtc.org/schools/">https://www.camtc.org/schools/</a></p>
Colorado	License	500	<p>A massage therapy program that consists of at least five hundred total hours of course work and clinical work from an approved massage school</p> <p><i>Colo. Rev. Stat. §12-35.5-107</i></p> <p>An applicant for licensure must have successfully completed at least five hundred (500) total hours of course work and clinical work from an approved massage school.</p> <p><i>Rule 2 (B)</i></p> <p>Student massage therapists may practice massage therapy only under the immediate supervision of a massage therapist holding a valid and current license.</p> <p><i>Rule 6 (B)</i></p>	<p>School must have valid certificate of approval from the Division of Private and Occupational Schools -or-</p> <p>A massage therapy educational program certified by the Colorado Community College Systems -or-</p> <p>A massage therapy education program that is accredited by a nationally recognized accrediting agency published by the US Department of Education</p>
Connecticut	License	500	<p>"a course of study of not less than five hundred (500) classroom hours with the instructor present." No curriculum specified.</p> <p><i>Conn. Gen. Stat. Ann. §20-206b</i></p>	<p>School must hold a current school code assigned by NCBTMB and was accredited by either an agency recognized US Department of Education or accredited by COMTA.</p>
Delaware	License (Tier 1) OR Certification (Tier 2)	Tier 1: 500 Tier 2: 300	<p>(2) Has completed 500 hours of supervised in-class study as a student in a school which trains massage or bodywork therapists, or as a student in an approved program of massage or bodywork therapy; the school or program of training must include a curriculum of no less than:</p> <ol style="list-style-type: none"> <li>a. 100 hours of anatomy and physiology;</li> <li>b. 300 hours of technique and theory of massage or bodywork therapy;</li> <li>c. 75 hours of elective courses in the field of massage therapy;</li> <li>d. 25 hours of ethics, law and contraindications;</li> </ol>	<p>Schools must receive board approval meeting the required minimum curriculum. Title 24 § 5308-(a) 2</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<p><i>Del. Code Ann. Tit. 24 § 5308</i></p> <p>Has completed 300 hour course of supervised in-class study of massage, including:</p> <ul style="list-style-type: none"> <li>▪ 60 hours anatomy and physiology</li> <li>▪ 140 hours of theory and technique</li> <li>▪ 75 hours of elective courses in field of massage</li> <li>▪ 25 hours of ethics, law and contraindications</li> </ul> <p><i>Del. Code Ann. Tit. 24§5309</i></p>																							
District of Columbia	License	500	<p>Successfully completed a minimum of five hundred (500) hours of in-class training. <i>D.C. Mun. Regs. tit. 17 §7502.2</i></p> <p>Of the minimum 500 hours of in-class training required by ss 7502.2 a minimum of:</p> <ul style="list-style-type: none"> <li>▪ 100 hours anatomy, physiology, and kinesiology.</li> <li>▪ The remaining 400 hours shall include a majority of hours in massage therapy theory and practice, as well as discretionary related course work including but not limited to professional ethics, business practices, health and hygiene, contraindications of massage, cardiopulmonary resuscitation (CPR) and first aid.</li> <li>▪ At least 3 of the hours shall be in professional ethics</li> </ul> <p><i>D.C. Mun. Regs. tit. 17 §7502.4 &amp; 7502.2</i></p>	Schools must be licensed by the District of Columbia Educational Licensing Commission, or, at the discretion of the Board, by the educational licensing authority of another state. Schools must also have an additional accreditation by COMTA.																						
Florida	License	500	<p>(1)(b) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:</p> <table border="1"> <thead> <tr> <th>Course of Study</th> <th>Classroom Hours</th> </tr> </thead> <tbody> <tr> <td>Anatomy and Physiology</td> <td>150</td> </tr> <tr> <td>Basic Massage Theory and History</td> <td>100</td> </tr> <tr> <td>Clinical Practicum</td> <td>125</td> </tr> <tr> <td>Allied Modalities</td> <td>76</td> </tr> <tr> <td>Business</td> <td>15</td> </tr> <tr> <td>Theory and Practice of Hydrotherapy</td> <td>15</td> </tr> <tr> <td>Florida Laws and Rules</td> <td>10</td> </tr> <tr> <td>Professional Ethics</td> <td>4</td> </tr> <tr> <td>HIV/AIDS Education</td> <td>3</td> </tr> <tr> <td>Medical Errors</td> <td>2</td> </tr> </tbody> </table> <p><i>Fl. Admin. Code Ann. R. 64B7-32.003</i></p>	Course of Study	Classroom Hours	Anatomy and Physiology	150	Basic Massage Theory and History	100	Clinical Practicum	125	Allied Modalities	76	Business	15	Theory and Practice of Hydrotherapy	15	Florida Laws and Rules	10	Professional Ethics	4	HIV/AIDS Education	3	Medical Errors	2	Schools must be Board-approved, a list of approved schools can be found on their website: <a href="http://www.floridasmassagetherapy.gov/forms/mt-approved-schools.pdf">http://www.floridasmassagetherapy.gov/forms/mt-approved-schools.pdf</a>
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Georgia	License	500	In order to be a Georgia Board recognized massage therapy education program, the program must have a minimum curriculum of five-hundred (500) total clock hours of supervised classroom and supervised hands-on instruction. For	Schools must be approved by the Board. Current list of approved schools found here:																						



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<p>purposes of this rule, "supervised" means the supervisor is physically on-site, qualified and immediately available. The minimum required subject matter and activities and the minimum required hours are as follows:</p> <ul style="list-style-type: none"> <li>▪ 125 hours of anatomy, physiology &amp; kinesiology</li> <li>▪ 40 hours of pathology</li> <li>▪ 200 hours in massage therapy theory, technique and practice</li> <li>▪ 125 hours of contraindications, benefits, universal precautions, body mechanics, massage history, client data collection, documentation, and legalities of massage, professional standards including draping, modesty, therapeutic relationships and communications.</li> <li>▪ 10 hours in ethics and business, with at least 6 in ethics</li> <li>▪ At least 50 but no more than 60 of the total 500 hours must be in supervised student clinic practice.</li> </ul> <p><i>Ga. Comp. R. &amp; Regs. §345-8-.01</i></p>	<a href="http://sos.ga.gov/PLB/acrobat/Forms/50%20Reference%20-%20Recognized%20Educational%20Programs%20in%20Georgia.pdf">http://sos.ga.gov/PLB/acrobat/Forms/50%20Reference%20-%20Recognized%20Educational%20Programs%20in%20Georgia.pdf</a>
Hawaii	License	570	<p>(a) The student program shall consist of not less than five hundred seventy hours. In addition, the student shall successfully complete a cardiopulmonary resuscitation training program.</p> <p>(b) The curriculum of the massage school shall contain the following:</p> <ul style="list-style-type: none"> <li>▪ 50 hours of anatomy, physiology, and structural kinesiology,</li> <li>▪ 100 hours of theory and demonstration of massage</li> <li>▪ 420 hours of practical massage training under the supervision of a teacher in a school setting</li> </ul> <p><i>Haw. Code R. §16-84-48</i></p>	Schools must be approved by Department of Education, AMTA, or The Rolf Institute.
Idaho	License	500	<p>minimum of five hundred (500) in-class supervised hours of coursework and clinic work;</p> <ul style="list-style-type: none"> <li>▪ 200 hours in massage and bodywork assessment, theory and application,</li> <li>▪ 125 hours in body systems, including anatomy, physiology, and kinesiology</li> <li>▪ 40 hours in pathology</li> <li>▪ 25 hours in business and ethics</li> <li>▪ 110 hours must be clinical work.</li> </ul> <p><i>Idaho Admin. Code r. 24.27.01.600</i></p>	Schools must be registered with the Idaho State Board of Education.
Illinois	License	600	<p>A minimum of 600 clock hours or its equivalent in credit hours of supervised classroom and supervised hands-on instruction. Required curriculum (but no requirement on hours in each subject) as shown below:</p> <ul style="list-style-type: none"> <li>▪ Anatomy, physiology, pathology &amp; kinesiology</li> <li>▪ Massage theory, technique and practice</li> <li>▪ Contraindications, benefits, universal precautions, body mechanics, history, client data collection, documentation, ethics, business and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications.</li> </ul>	Approved programs must meet minimum criteria set forth by the board in rule.



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<i>Ill. Admin. Code tit. 68 §1284.20</i>	
Indiana	Certification* (licensure to be effective 183 days after rule promulgation)	500* (625 hrs per Indiana 2018 Public Law 180, effective with licensure)	Applicants for certification must have successfully completed a massage therapy school or program that requires at least five hundred (500) hours of supervised classroom and hands-on instruction on massage therapy. No specific curriculum is listed. <i>847 Ind. Admin. Code 1-3-2</i>	Indiana Code 25-21.8-4-2 specifies that School must be in good standing with state, regional, or national agency of government charged with regulating massage therapy schools or programs and is accredited by the state workforce innovation council. <a href="http://iga.in.gov/legislative/laws/2017/ic/titles/25/#25-21.8">http://iga.in.gov/legislative/laws/2017/ic/titles/25/#25-21.8</a>
Iowa	License	600	The applicant shall have graduated from a board-approved school that has a minimum of 600 hours of supervised academic instruction. <i>Iowa Code Ann. §152C.3</i>  An approved curriculum shall include but not be limited to the following content areas: <ul style="list-style-type: none"> <li>▪ Fundamentals of massage therapy</li> <li>▪ Clinical application of massage and bodywork therapies</li> <li>▪ Client communication theory and practice</li> <li>▪ Health care referral theory and practice</li> <li>▪ Anatomy and physiology</li> <li>▪ Kinesiology</li> <li>▪ Pathology and skills in infection control, injury prevention and sanitation</li> <li>▪ Iowa law and ethics</li> <li>▪ Business management</li> <li>▪ Wellness and healthy lifestyle theory and practice</li> </ul> <i>Iowa Admin. Code r. 645-132.3</i>  Students shall complete at least 200 hours of coursework in the content areas of fundamentals of massage and assessment that includes indications and contraindications for treatment prior to providing services to the public and beginning the clinical practicum. Included in this 200 hours will be a minimum of 100 hours in anatomy and physiology. The clinical practicum shall not exceed 120 hours of a 600 hour program. <i>Iowa Admin. Code r. 645-132.4, as amended by Iowa ARC 0288C, NOIA dated 8/22/2012</i>	School curriculum must meet board requirements set forth in rule.
Kansas	No State Regulation	--	--	--
Kentucky	License	600	a course of study consisting of a minimum of six hundred (600) hours of supervised instruction in a massage therapy training program approved by the board. <i>Ky. Rev. Stat. Ann. §309.358</i>	A "board-approved program" must submit an application and meet requirements set forth by the Board in 201 KY Admin. Reg. 42:080



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<p>Requirements for board approval of a massage therapy program include a curriculum statement showing clock hours devoted to each subject with the following minimums:</p> <ol style="list-style-type: none"> <li>1. 125 hours of anatomy, physiology, or kinesiology;</li> <li>2. 200 hour course to include massage theory, techniques, and practice focusing on gliding strokes, kneading, direct pressure, deep friction, joint movement, superficial warming techniques, percussion, compression, vibration, jostling, shaking and rocking;</li> <li>3. 2 hours of approach to the business of massage, specifically including contraindications, benefits, business, history, ethics, client documentation, legalities of massage, and modality courses designed to meet the school's specific program objectives;</li> <li>4. 40 hours of pathology; and</li> <li>5. additional 35 curricular hours</li> </ol> <p><i>Ky. Rev. Stat. Ann. §309.363</i></p>	
Louisiana	License	500	<p>500 hours in-class supervised course of studies, including:</p> <ul style="list-style-type: none"> <li>▪ 325 hours of massage techniques and clinical practicum</li> <li>▪ 125 hours anatomy and physiology</li> <li>▪ 50 hours of related course work</li> </ul> <p><i>La. Admin. Code tit. 46 §1101</i></p>	<p>Schools must be licensed by the State Department of Education, as specified in the Administrative Procedure Act  <a href="https://www.doa.la.gov/osr/APA.PDF">https://www.doa.la.gov/osr/APA.PDF</a></p>
Maine	License	500	<p>500 supervised clock hours of classroom and clinical instruction.</p> <ul style="list-style-type: none"> <li>▪ Human Anatomy, Physiology, and Pathology (120 hours);</li> <li>▪ Massage Therapy Theory, Techniques, and Practice;</li> <li>▪ contraindications, benefits, universal precautions, body mechanics, business, history, ethics, and legalities of massage and professional standards regarding draping and modesty; and</li> <li>▪ a minimum of 100 hours of supervised hands-on practice.</li> </ul> <p><i>02-041-300 Me. Code R. §3</i></p>	<p>Approved Massage Therapy Programs listed on board website:  <a href="https://www.maine.gov/pfr/professionallicensing/professions/massage/index.html">https://www.maine.gov/pfr/professionallicensing/professions/massage/index.html</a></p>
Maryland	Tier 1: License Tier 2: Register	Tier 1: 600 & 60 college credit Tier 2: 600	<p>Classroom Training.</p> <p>(1) Of the minimum 600 hours classroom training required in Regulation .04A(8), B, and C(7) of this chapter:</p> <p>(a) At least 100 hours shall consist of:</p> <ol style="list-style-type: none"> <li>(i) Anatomy;</li> <li>(ii) Physiology;</li> <li>(iii) Pathology; and</li> <li>(iv) Kinesiology; and</li> </ol> <p>(b) The remaining 500 hours shall include a majority of hours in:</p> <ol style="list-style-type: none"> <li>(i) Massage therapy theory;</li> <li>(ii) Technique;</li> </ol>	<p>Schools can either be institutions of higher education as defined in § 10-101, or a massage program approved by the Board.</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<ul style="list-style-type: none"> <li>(iii) Supervised practice;</li> <li>(iv) Professional ethics;</li> <li>(v) Professional standards;</li> <li>(vi) Business practices;</li> <li>(vii) Health and hygiene; and</li> <li>(viii) Contraindications of massage.</li> </ul> <p>(2) Cardiopulmonary resuscitation (CPR) shall be included but do not count toward the 600-hour minimum. <i>Md. Code Regs. 10.65.01.07</i></p>	
Massachusetts	License	650	<p>650 classroom hours of supervised instruction at a Licensed Massage School.</p> <ul style="list-style-type: none"> <li>▪ 300 supervised classroom hours in massage theory and technique, 150 hours of which meet the definition of massage</li> <li>▪ 100 hours of unpaid and supervised clinical</li> </ul> <p><i>269 Mass. Code Regs. 3.01</i></p>	School is licensed by the Board after meeting minimum standards for training and curriculum, in accordance with Massachusetts General Law c. 13, § 228-236.
Michigan	License	625	<ul style="list-style-type: none"> <li>▪ 75 hours performing supervised massage in a student clinic (classroom instruction)</li> <li>▪ 200 hours of massage and bodywork assessment, theory and application (classroom instruction)</li> <li>▪ 125 hours on body systems that include anatomy, physiology and kinesiology (classroom or distance education)</li> <li>▪ 40 hours of pathology (classroom or distance education)</li> <li>▪ 25 hours of business, professional practice or ethics, with a minimum of 10 hrs ethics (classroom or distance education)</li> <li>▪ 160 hours in area or related field (classroom or distance education)</li> </ul> <p><i>Mich. Admin. Code r. 338.722</i></p>	<p>"School" means any of the following accredited or licensed institutions of higher education that meet the minimum standards and curriculum, in compliance with section 16148:</p> <ul style="list-style-type: none"> <li>(i) A public or private community college, college, or university.</li> <li>(ii) A public or private trade, vocational, or occupational school.</li> </ul>
Minnesota	No State Regulation	--	--	--



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

Mississippi	License	700	<p>completed a board-approved training program of not less than 600 hours of directly supervised in-class massage therapy instruction, and at least one hundred (100) hours of student clinic, in the following subjects:</p> <ul style="list-style-type: none"> <li>▪ 200 classroom hours in massage theory and practicum with at least 10 hours in legalities and MS massage law, 20 hours in history, benefits and contraindications, 100 hours in massage demonstration and supervised practice and 70 hours expanding on any or all of the previous 3 subject areas.</li> <li>▪ 200 classroom hours in science of the human body, including 20 hours each in anatomy, physiology, myology/kinesiology, neurology, and pathology, plus 100 hours expanding on any of all of these subjects.</li> <li>▪ 200 classroom hours in allied modalities, with at least 7 hours in eastern, European and western theory, 8 hours in CPR and first aid, 10 hours in charting and documentation, 25 hours in hydrotherapy and infrared heat, and 20 hours in referral methods, and 130 hours expanding on any of the previous subjects or on specifically named approaches.</li> <li>▪ 100 classroom hours in supervised student clinic with at least 50 practical hands-on one-hour massage therapy sessions.</li> </ul> <p>30-2501-4 Miss. Code R. §4.2</p>	<p>Massage schools must meet minimum standards for curriculum through the state board, as well as receive a national accreditation, such as from COMTA.</p> <p>MBMT lists currently approved schools on their website:  <a href="http://www.msbt.ms.gov/SitePages/Schools.aspx">http://www.msbt.ms.gov/SitePages/Schools.aspx</a></p> <p>No specific schools listed in rule or statute</p>
Missouri	License	500	<p>500 clock hours of supervised instruction which consisted of:</p> <p>A. 300 clock hours dedicated to massage theory and practice techniques.          B. 100 clock hours dedicated to the study of anatomy and physiology          C. 50 clock hours dedicated to business practice professional ethics, hygiene and massage law          D. 50 clock hours dedicated to ancillary therapies...The fifty (50) clock hours shall include but not be limited to CPR and first aid.</p> <p>Mo. Code Regs. Ann. tit. 20 §2197-2.010 (F)</p>	<p>Schools must be either a Coordinating Board of Higher Education certified school, a Missouri Department of Elementary and Secondary Education approved vocational program or school, or other institution accredited by a regional accrediting commission recognized by the Department of Education. See more here:  <a href="https://www.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2197-2.pdf">https://www.sos.mo.gov/cmsimages/adrules/csr/current/20csr/20c2197-2.pdf</a></p>
Montana	License	500	<p>(a) successfully complete a massage therapy program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the national commission for certifying agencies or its equivalent or successor...</p> <p>37-33-502.</p> <p>(1) The National Certification Board for Therapeutic Massage and Bodywork is a program currently accredited by the National Commission for Certifying Agencies and its curriculum guidelines meet or exceed the requirements of 37-33-502, MCA. Those curriculum guidelines are as follows:</p> <ul style="list-style-type: none"> <li>(a) 200 hours of in-class instructor-supervised massage and bodywork assessment, theory, and application instruction;</li> <li>(b) 125 hours of instruction on the body systems (anatomy, physiology, and kinesiology);</li> </ul>	<p>Schools must meet curriculum guidelines set forth by the NCBTMB. Other curriculum will be evaluated on a case-by-case basis by the state board. (Rule 24.155.605)</p>





## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<p>(c) 40 hours of pathology;            (d) ten hours of business and ethics instruction (a minimum of six hours in ethics); and            (e) 125 hours of instruction in an area or related field that completes the massage program of study.</p> <p>24.155.605</p>	
Nebraska	License	1,000	<p>1,000 hours over a term of not less than 9 months, consisting of the following:</p> <ul style="list-style-type: none"> <li>▪ 100 hours in each of the following:               <ul style="list-style-type: none"> <li>○ Anatomy</li> <li>○ Health Service Management</li> <li>○ Hydrotherapy</li> <li>○ Hygiene and practical demonstration</li> <li>○ Massage</li> <li>○ Pathology</li> <li>○ Physiology</li> </ul> </li> <li>▪ Remaining 300 hours in areas related to clinical practice of massage therapy.</li> </ul> <p>R. 81-002 (12)</p>	Must be licensed by the Board of Massage Therapy. Approved schools must be approved by the Department of Health and Human Services, Division of Public Health.
Nevada	License	550	<p>Schools must be approved by the Board and either licensed by the NV Commission on Postsecondary Education (NVCPE) or must be offered by a public college. A board recognized program of massage therapy shall require its pupils to complete a minimum of 550 hours of instruction in the following courses before receiving a certificate:</p> <ul style="list-style-type: none"> <li>▪ 125 hours in body systems including anatomy, physiology and kinesiology</li> <li>▪ 220 hours in a classroom setting in assessment, theory and application instruction, which must include not less than 80 hours in clinical instruction</li> <li>▪ 40 hours pathology</li> <li>▪ 20 hours business</li> <li>▪ 20 hours ethics</li> <li>▪ 125 hours in other massage therapy courses with hands-on instruction</li> </ul>	Schools must be approved by the Commission on Postsecondary Education, be offered by a public college in this state or another state or be approved by the Board. The Board may recognize other massage therapy programs after a thorough investigatory process. NRS 640C.400
New Hampshire	License	750	<p>750 hours shall consist of the following course of study:</p> <ul style="list-style-type: none"> <li>▪ 150 hours: Anatomy &amp; Physiology</li> <li>▪ 375 hours: History, theory, practice, benefits, and contraindications of massage therapy, related modalities, and adjunct therapies within the scope of practice of a massage therapist, including Swedish massage and hydrotherapy</li> <li>▪ 50 hours: Training in hygiene/sanitary practices, to include blood-borne pathogen standards. Adult CPR and first aid, documented by current certification in each area</li> <li>▪ 50 hours: Health services management, business practices, and ethics of massage</li> <li>▪ 125 hours of verifiably documented practical</li> </ul>	Education must be from a massage therapy school that meets specific requirements set forth in rule. NH Rules He-P 905.01



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<i>R. PART He-P 905</i>	
New Jersey	License	500	<p>500 hours shall include:</p> <ul style="list-style-type: none"> <li>▪ 90: anatomy, physiology, pathophysiology</li> <li>▪ Ethics and law</li> <li>▪ Theory &amp; practice</li> <li>▪ Electives directly related to massage</li> <li>▪ 100 hours of supervised clinical practice</li> </ul> <p><i>R. 13:37A-2.1</i></p>	Schools or programs must be approved by the board.
New Mexico	License	650	<p>650-hour program with the following minimum requirements:</p> <ul style="list-style-type: none"> <li>▪ 165 hours in anatomy, physiology, kinesiology and at least 40 hours of pathology</li> <li>▪ 150 hours of training in massage therapy, including contraindications, with a minimum of 100 hours of hands-on training prior to clinical practicum</li> <li>▪ 75 hours of general instruction, including business, hydrotherapy, and at least 30 hours of professional ethics, 4 hours of first aid, and 4 hours of CPR (online not allowed for CPR)</li> <li>▪ Named electives, or other courses with prior board approval, with the clinical practicum not to exceed 150 hours</li> </ul> <p><i>R. 16.7.4.12</i></p>	Schools and educational experience requirements are established by the board in rule.
New York	License	1,000	<p>1,000 hours of classroom instruction as follows:</p> <ul style="list-style-type: none"> <li>▪ 200 hours in anatomy, physiology, with at least 50 hours of neurology</li> <li>▪ 150 hours of myology and/or kinesiology</li> <li>▪ 100 hours general pathology</li> <li>▪ 75 hours in hygiene, first aid, and other areas related to practice</li> <li>▪ 150 hours in general theory and techniques</li> <li>▪ 325 hours of additional instruction and student practice, with a minimum 150 hours of supervised student practice</li> </ul> <p><i>NY Commissioner's Regulations §52.15</i></p>	Schools must be registered by the Department of Education, Article 155, § 7804.2. Schools may be offered at a degree-granting institution or by a school or institute of massage therapy that meets requirements set out in § 52.15
North Carolina	License	500	<p>500 classroom hours of supervised instruction:</p> <ul style="list-style-type: none"> <li>▪ 200 hours fundamental theory and practice, with at least 100 in the application of hands-on methods</li> <li>▪ 100 hours in anatomy and physiology</li> <li>▪ 15 hours of professional ethics and NC laws and rules</li> <li>▪ 15 hours in business management practice</li> <li>▪ 20 hours in psychological concepts related to massage</li> <li>▪ 150 hours in other courses related to massage, with exempt practices up to 50 hours.</li> </ul> <p><i>21 N.C. Admin. Code 30.0620</i></p>	<p>Schools must receive accreditation by an agency recognized by the Secretary of the United States Department of Education. §90-622(1), as well as approved by the state board, following program requirements outlined in NC AC Title 21, Ch. 30, Section .0601-3</p> <p>List of current board-approved schools can be found on website: <a href="http://www.bmbt.org/pages/School_List.html">http://www.bmbt.org/pages/School_List.html</a></p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

North Dakota	License	750	<p>Supervised classroom instruction:</p> <ul style="list-style-type: none"> <li>▪ 150 hours of anatomy, physiology and kinesiology</li> <li>▪ 40 hours of pathology</li> <li>▪ 10 hours of first aid and CPR</li> <li>▪ 130 hours of massage therapy courses</li> <li>▪ 175 hours of practical application and clinical practice</li> </ul> <p>Additional curriculum that does not require supervised classroom instruction</p> <ul style="list-style-type: none"> <li>▪ 50 hours of business practices, career development and ethics</li> <li>▪ 75 hours of clinical practice</li> <li>▪ 120 hours of other courses directly related to massage therapy</li> </ul> <p>N.D. Admin. Code 49-02-02-03</p>	Must either meet education requirements set forth by board, including submission of curriculum to the board by the school liaison on an annual basis or from a school that is accredited by a national or accrediting agency recognized by the US department of education.
Ohio	License	750	<p>a school's course of instruction shall</p> <ul style="list-style-type: none"> <li>▪ 325 hours of Anatomy and physiology; pathology;</li> <li>▪ 325 hours of Massage theory and practical, including hygiene;</li> <li>▪ 25 hours of Ethics, at least 10 of which shall be in a class dedicated exclusively to ethics.</li> <li>▪ 25 hours of Business and law</li> <li>▪ 50 hours in such other subjects as the board deems necessary and appropriate to massage therapy</li> </ul> <p>Ohio Admin. Code 4731-1-16</p>	School must be certified and in good standing with the Ohio State Board of Medicine.
Oklahoma	License	500	<p>provides a certificate and certified transcript from a state-licensed massage school showing successful completion of at least five hundred (500) hours of formal education in massage therapy.</p> <p><i>Oklahoma ADC 175:20-5-1</i></p>	Massage school must be state licensed.
Oregon	License	625	<p>625 hours of certified classes:</p> <ul style="list-style-type: none"> <li>▪ 200 hours of anatomy, physiology and kinesiology</li> <li>▪ 300 hours of massage theory and practical application, clinical practice, business development, communication and ethics, and sanitation.</li> <li>▪ Additional 125 hours in anatomy, physiology, pathology, kinesiology, massage or bodywork theory and practical application, clinical practice, business development, communication, ethics, sanitation or hydrotherapy.</li> </ul> <p><i>Or. Admin. R. 334-010-0005</i></p>	"certified class" means a class that is approved by the board and is offered: (a) By a person or institution licensed as a career school under ORS 345.010 to 345.450; (b) By a community college and approved by the Higher Education Coordinating Commission; (c) By an accredited college or university; or (d) In another state and licensed or approved by the appropriate agency in that state
Pennsylvania	License	-600	<p>600 hours of in-class instruction:</p> <ul style="list-style-type: none"> <li>▪ 175 contact hours in anatomy and physiology, kinesiology and pathology, including training in HIV and related risks</li> <li>▪ At least 250 contact hours in massage therapy and bodywork assessment, theory and practice, including sanitation safety and hygiene</li> </ul>	Program approved by the PA board of massage, and must be regionally accredited college or university, PA private licensed school or its equivalent as determined by the board.



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<ul style="list-style-type: none"> <li>▪ 25 contact hours in professional ethics and business and law</li> <li>▪ 150 contact hours in related courses appropriate to a massage therapy curriculum, including CPR</li> <li>▪ Instruction may be didactic or clinical.</li> </ul> <p><i>Pa. Code §20.11</i></p>	
Puerto Rico	License	1000	<p>-The courses must include the following subjects applied to the Therapy Massage: Anatomy, Physiology, Clinical Pathology, Medical Terminology, History, Theory and Techniques of Massage Therapy integrated to knowledge Eastern and Western. Structural Kinesiology, Hydrotherapy, Ethics Professional, Cardiopulmonary Resuscitation Techniques (C.P.R.) Valid and Elective subjects that integrate the previously related disciplines. (2013 – translated from Spanish)</p>	<p>Massage school must be authorized by the official entities of the Commonwealth of Puerto Rico.</p> <p>(2013) This information may not be the most current.</p>
Rhode Island	License	500	<p>Must graduate from/be certified by either</p> <ul style="list-style-type: none"> <li>(a) a school/program accredited by COMTA, or</li> <li>(b) an equivalent program</li> </ul> <p>An equivalent program includes the following curriculum:</p> <ul style="list-style-type: none"> <li>▪ 100 hours (theory) anatomy/physiology</li> <li>▪ 300 hours theory and practice of massage therapy, applied anatomy/physiology, including 150 hours of the 300 to be practice of massage</li> <li>▪ 100 elective subjects, including first aid, CPR, and any of the following: business practices/law, office procedures, ethics, professionalism</li> </ul> <p><i>23-20.8-MA R.I. Code R. §3.2.2</i></p>	<p>School must be either accredited by COMTA or be deemed an equivalent education, in accordance with standards listed in the rules.</p>
South Carolina	License	500	<p>Schools must be approved and have a curriculum that meets the standards set forth in regulation by the department. <i>§40-30-110</i></p> <p>Approved schools are those that meet the minimum requirements set by the Commission on Higher Education. <i>S.C. Code Ann. Regs.77-100</i></p> <p>No Outlined Curriculum in the Regulations</p>	<p>Approved schools are those found by the department to have met minimum qualifications set forth by the Commission on Higher Education.</p>
South Dakota	License	500	<p>500 hours of classroom training as follows:</p> <ul style="list-style-type: none"> <li>▪ 125 hours of training in the body's systems and anatomy, physiology, and kinesiology</li> <li>▪ 200 hours of training in massage and bodywork assessment, theory and application</li> <li>▪ 40 hours of training in pathology</li> <li>▪ 10 hours in business and ethics, with a minimum of 6 in ethics</li> </ul>	<p>A recognized facility is one of the schools listed in rule, Is licensed or approved by the state board of massage therapy where the facility is located or, is accredited by an accrediting body recognized by the US department of education.</p> <p>According to § 20:76:08:01, the following schools are recognized: 1.) Black Hills Health and Education Center</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<ul style="list-style-type: none"> <li>▪ 125 hours in an area or related field that theoretically completes a massage program of study</li> </ul> <p><i>S.D. Admin. R. 20:76:01:06</i></p>	<ul style="list-style-type: none"> <li>2.) Headlines Academy</li> <li>3.) National American University</li> <li>4.) Pam's Massage School</li> <li>5.) South Dakota School of Massage Therapy</li> <li>6.) Sioux Falls Therapeutic Massage and Education Center</li> <li>7.) Spring Bath House School of Massage Therapy</li> </ul>
Tennessee	License	500	<p>500 classroom hours of:</p> <ul style="list-style-type: none"> <li>▪ 200 hours of sciences, including anatomy, physiology-western and/or eastern, kinesiology, pathology, HIV/AIDS and blood-borne pathogens, and hygiene</li> <li>▪ 200 hours of basic massage theory and practice</li> <li>▪ 85 hours of related subjects</li> <li>▪ 10 hours of ethics</li> <li>▪ 5 hours of TN massage statutes and regulations</li> </ul> <p><i>Tenn. Comp. R. &amp; Regs. 0870-02-.02</i></p>	<p>Massage therapy programs must be approved by the TN massage licensure board in accordance with standards listed in rule. Approved programs are listed on the board website.</p>
Texas	License	500	<p>satisfactorily complete massage therapy studies in a minimum 500-hour department approved course at a licensed massage school in which includes at least:</p> <ul style="list-style-type: none"> <li>▪ 50 hours of anatomy</li> <li>▪ 25 hours of physiology</li> <li>▪ 200 hours of massage therapy technique and theory, with at least 125 hours dedicated to Swedish massage techniques</li> <li>▪ 20 hours of health, hygiene, first aid, universal precautions and CPR</li> <li>▪ 45 hours of massage laws and rules, business practices, and professional ethics standards</li> <li>▪ 20 hours in hydrotherapy</li> <li>▪ 50 hours in kinesiology</li> <li>▪ 40 hours in pathology</li> <li>▪ 50 hour internship program</li> </ul> <p><i>16 Tex. Admin. Code §117.20</i></p> <p><i>Additional curriculum requirements apply. See regulations.</i></p>	<p>Texas Department of Licensing and Regulation licenses massage schools in accordance with standards listed in rule.</p>
Utah	License	600	<p>Curricula must be either registered with the Utah Dept. of Commerce, Division of Consumer Protection, or be registered with an accrediting agency recognized by the US Dept. of Education.</p> <p>600 hours minimum, including the following:</p> <ul style="list-style-type: none"> <li>▪ 125 hours of anatomy, physiology &amp; kinesiology</li> <li>▪ 40 hours of pathology</li> <li>▪ 285 hours of massage theory, massage techniques, including the 5 basic Swedish massage strokes, and hands on instruction</li> </ul>	<p>Recognized school means a school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that jurisdiction.</p> <p>Accepts Apprenticeships under certain circumstances</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

			<ul style="list-style-type: none"> <li>35 hours of professional standards, ethics and business practices</li> <li>15 hours of sanitation and universal precautions including CPR and first aid</li> <li>100 hours in clinic</li> <li>Other related massage subjects as approved by the division in collaboration with the Board.</li> </ul> <p><i>Utah Admin. Code r. 156-47b-302</i></p>	
Vermont	No State Regulation	--	--	--
Virginia	License	500	500 hours of training from a massage therapy program, certified or approved by the State Council of Higher Education; or an agency in another state, the District of Columbia or a United States territory that approves educational programs, notwithstanding the provisions of §23-1-226 of the Code of Virginia <i>18 VA. Admin. Code §90-50-40</i>	500 hours of training from a massage therapy program, certified or approved by the State Council of Higher Education; or an agency in another state, the District of Columbia or a United States territory that approves educational programs, notwithstanding the provisions of §23-1-226 of the Code of Virginia <i>18 VA. Admin. Code §90-50-40</i>
Virgin Islands	Regulation Passed/Waiting on Rules	--	--	--
Washington	License	500	<p>Schools/Programs to be approved by the Board.</p> <p>500 hours of actual instructional time, plus CPR certification</p> <ul style="list-style-type: none"> <li>130 hours of anatomy, physiology, and at least 40 hours of kinesiology</li> <li>50 hours of pathology</li> <li>265 hours of theory and practice, with a maximum of 50 hours in student clinic, hydrotherapy must be included.</li> <li>55 hours of clinical/business practices, to include hygiene, recordkeeping, medical terminology, professional ethics, business management, human behavior, client interaction, and state and local laws.</li> </ul> <p><i>Wash. Admin. Code §246-830-430</i></p>	<p>Schools/Programs to be approved by the Board. Approved schools listed on the board website.</p> <p><a href="https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MassageTherapist/EducationRequirements/ApprovedSchools">https://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/MassageTherapist/EducationRequirements/ApprovedSchools</a></p> <p>Accepts apprenticeships under certain circumstances.</p>



## Summary of Initial Education Curriculum Requirements for State Massage Therapy Licensure

West Virginia	License	500	<p>500 classroom hours of supervised instruction in:</p> <ul style="list-style-type: none"> <li>▪ 200 hours in fundamental theory and practice of massage and bodywork therapy, including a minimum of 100 hours in application of hands-on methods.</li> <li>▪ 100 hours of anatomy and physiology</li> <li>▪ 15 hours of professional ethics, and West Virginia laws and rules for the practice of massage and bodywork therapy</li> <li>▪ 15 hours in business practices</li> <li>▪ 20 hours in dynamics of the therapist/client relationships, communication skills and boundary functions</li> <li>▪ 150 hours in other courses related to the practice of massage and bodywork therapy, which may include hands-on techniques, but which may not include CPR or first aid.</li> </ul> <p><i>R. 7.1.2</i></p>	Requires education from a program or school approved by the WV Council for Community and Technical College Education or by a state agency in another state which meets NCBTMB qualifications. The Board of Massage approves individual programs.
Wisconsin	License	600	<p>An approved training program shall consist of 600 classroom hours:</p> <ul style="list-style-type: none"> <li>▪ 125 classroom hours in anatomy, physiology, pathology and kinesiology</li> <li>▪ 50 classroom hours in business, law and ethics, with at least 6 classroom hours in the laws of this state and rules of the board</li> <li>▪ 300 classroom hours of massage therapy or bodywork therapy, technique and practice, including 100 classroom hours of supervised hands-on practice</li> <li>▪ 20 classroom hours in student clinic</li> <li>▪ 5 classroom hours in CPR and first aid</li> <li>▪ 100 classroom hours in additional massage therapy or bodywork course offerings meeting the objectives of the course of instruction.</li> </ul> <p><i>Wis. Admin. Code MTBT §3.01</i></p>	Approved Training Program is either approved by the Wisconsin Educational Approval Board, is from a technical college established by statute or from an accredited school.
Wyoming	No State Regulation	--	--	--

# Division/Financial Update



Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Board of Massage Therapists  
Schedule of Revenues and Expenditures

	FY 12		FY 13		FY 14		FY 15		FY 16		FY 17		FY 18		FY 19 1st & 2nd Qtr	
Licensing Revenue	\$	-	\$	-	\$	-	\$	660	\$	586,230	\$	228,015	\$	346,505	\$	39,420
Allowable Third Party Reimbursement		-		-		-		-		-		-		1,161		1,791
Total Revenue		-		-		-		660		586,230		228,015		347,666		41,211
Direct Expenditures																
Personal Services		-		-		-		34,676		116,046		76,106		151,114		68,172
Travel		-		-		-		6,585		17,726		10,216		9,646		3,641
Contractual		-		-		-		12,627		52,528		67,008		114,466		22,676
Supplies		-		-		-		274		13		155		70		-
Equipment		-		-		-		-		-		-		-		-
Total Direct Expenditures		-		-		-		54,162		186,313		153,485		275,296		94,489
Indirect Expenditures*		-		-		-		16,424		68,579		70,815		105,954		52,977
Total Expenses		-		-		-		70,586		254,892		224,300		381,250		147,466
Annual Surplus (Deficit)		-		-		-		(69,926)		331,338		3,715		(33,584)		(106,255)
Beginning Cumulative Surplus (Deficit)		-		-		-		-		(69,926)		261,412		265,127		231,543
Ending Cumulative Surplus (Deficit)	\$	-	\$	-	\$	-	\$	(69,926)	\$	261,412	\$	265,127	\$	231,543	\$	125,288

\*\* For the first three quarters, indirect costs are based on the prior fiscal year's total indirect amount on a percent of year completed basis.  
The 4th quarter board reports reflect the current year's actual indirect expenses allocated to the boards.  
Biennium July 1, 2017 — September 30, 2019

Department of Commerce Community, and Economic Development  
Corporations, Business and Professional Licensing

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	MAS1

Sum of Expenditures Object Code	Object Name	Object Type Code			Grand Total
		1000	2000	3000	
1011	Regular Compensation	36,683.39			36,683.39
1014	Overtime	136.17			136.17
1023	Leave Taken	5,789.50			5,789.50
1028	Alaska Supplemental Benefit	2,617.07			2,617.07
1029	Public Employee's Retirement System Defined Benefits	798.17			798.17
1030	Public Employee's Retirement System Defined Contribution	2,050.54			2,050.54
1034	Public Employee's Retirement System Defined Cont Health Reim	1,482.23			1,482.23
1035	Public Employee's Retirement Sys Defined Cont Retiree Medical	366.49			366.49
1037	Public Employee's Retirement Sys Defined Benefit Unfnd Liab	4,676.82			4,676.82
1039	Unemployment Insurance	137.52			137.52
1040	Group Health Insurance	10,693.44			10,693.44
1041	Basic Life and Travel	16.14			16.14
1042	Worker's Compensation Insurance	466.53			466.53
1047	Leave Cash In Employer Charge	981.00			981.00
1048	Terminal Leave Employer Charge	509.30			509.30
1053	Medicare Tax	588.35			588.35
1063	GGU Business Leave Bank Usage	-			-
1077	ASEA Legal Trust	67.65			67.65
1079	ASEA Injury Leave Usage	7.84			7.84
1080	SU Legal Trst	7.69			7.69
1970	Personal Services Transfer	96.07			96.07
2000	In-State Employee Airfare			323.56	323.56
2001	In-State Employee Surface Transportation			38.32	38.32
2002	In-State Employee Lodging			235.99	235.99
2003	In-State Employee Meals and Incidentals			152.00	152.00
2005	In-State Non-Employee Airfare			574.77	574.77
2007	In-State Non-Employee Lodging			1,434.00	1,434.00
2008	In-State Non-Employee Meals and Incidentals			450.00	450.00
2009	In-State Non-Employee Taxable Per Diem			32.00	32.00
2010	In-State Non-Employee Non-Taxable Reimbursement			117.21	117.21
2020	Out-State Non-Employee Meals and Incidentals			196.00	196.00
2022	Out-State Non-Employee Non-Taxable Reimbursement			84.50	84.50
2036	Cash Advance Fee			2.44	2.44
2970	Travel Cost Transfer			-	-
3002	Memberships			849.20	849.20
3035	Long Distance			41.40	41.40
3036	Local/Equipment Charges			261.01	261.01
3045	Postage			157.93	157.93
3046	Advertising			717.05	717.05
3069	Commission Sales			19.00	19.00
3088	Inter-Agency Legal			4,904.67	4,904.67
3100	Inter-Agency Safety			1,128.00	1,128.00
2017	Out-State Non-Employee Airfare			-	-
3094	Inter-Agency Hearing/Mediation			14,597.70	14,597.70
<b>Grand Total</b>		<b>68,171.91</b>	<b>3,640.79</b>	<b>22,675.96</b>	<b>94,488.66</b>

From: Dawn Dulebohn  
 To: Dulebohn, Dawn L (CED)  
 Subject: Fwd: MAS Hearing service  
 Date: Saturday, December 29, 2018 4:20:17 PM

----- Forwarded message -----  
 From: Dumas, Melissa L (CED) <melissa.dumas@alaska.gov>  
 Date: Mon, Jun 11, 2018, 10:19 AM  
 Subject: MAS Hearing service  
 To: Dawn Dulebohn <dawn.dulebohn@gmail.com>  
 Cc: Wales, Marylene H (CED) <marylene.wales@alaska.gov>

Hi Dawn,

Not a lot of detail here on the hearing services (OBJ 3094), but you can see how much was charged and the timeframe. Let me know if you need anything else.

Document Last Update Date	AL Unit Code	Sub Unit	Sub Unit Name	Activity Code	Activity Name	Document Code	Document FQ	Object Code	Object Name	Document Description	Expenditures
11/28/17	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	ITA	ITA-08-180001474-1	3094	Inter-Agency Hearing/Mediation	ADN 0280752 DCCED-CBPL	1,190.40
2/23/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	ITA	ITA-08-180002374-1	3094	Inter-Agency Hearing/Mediation	ADN 0280752 DCCED-CBPL HEARING SERVICES	422.40
3/20/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	ITA	ITA-08-180002658-1	3094	Inter-Agency Hearing/Mediation	ADN 0280752 DCCED-CBPL HEARING SERVICES	3,493.09
4/27/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	ITA	ITA-08-180003173-1	3094	Inter-Agency Hearing/Mediation	ADN 0280752 DCCED-CBPL HEARING SERVICES	230.40
5/25/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	ITA	ITA-08-180003511-1	3094	Inter-Agency Hearing/Mediation	ADN 0280752 DCCED-CBPL HEARING SERVICES	1,071.61

Same thing for legal OBJ 3088.

Document Last Update Date	AL Unit Code	Sub Unit	Sub Unit Name	Activity Code	Activity Name	Document Code	Document FQ	Object Code	Object Name	Document Description	Expenditures
12/8/17	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080000567-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	331.44
12/27/17	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080000781-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	82.86
1/22/18	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080000974-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42
3/6/18	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080001175-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42
3/23/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	IET	IET-08-18080001370-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	414.28
4/17/18	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080001573-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	5,037.58
5/4/18	CBPL	INVE	CBPL Investigations	MAS1	Massage Therapists	IET	IET-08-18080001799-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	49.71
5/4/18	CBPL	PROF	CBPL Professional Licensing	MAS1	Massage Therapists	IET	IET-08-18080001799-1	3088	Inter-Agency Legal	RSA 880012 FY18 CBPL LEGAL SERVICES	331.42

Thanks,

Melissa Dumas

Administrative Officer II

Department of Commerce, Community and Economic Development

Division Corporations, Business and Professional Licensing

PO Box 110806 Juneau, Alaska 99811

907-465-2572

# Board Requested Comparisons

**From:** [Wales, Marylene H \(CED\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Cc:** [Dumas, Melissa L \(CED\)](#); [Chambers, Sara C \(CED\)](#); [Ward, Charles W \(CED\)](#)  
**Subject:** 3088, 3094 & 3100 Comparison  
**Date:** Wednesday, January 9, 2019 10:34:52 AM  
**Attachments:** [Comparison 01.08.2019.pdf](#)

---

Hi Dawn,

Please see attached comparison for 3088, 3094 & 3100 for FY16, FY17 & FY18.

If you have any further question on this matter, please let me know.

Thank you.

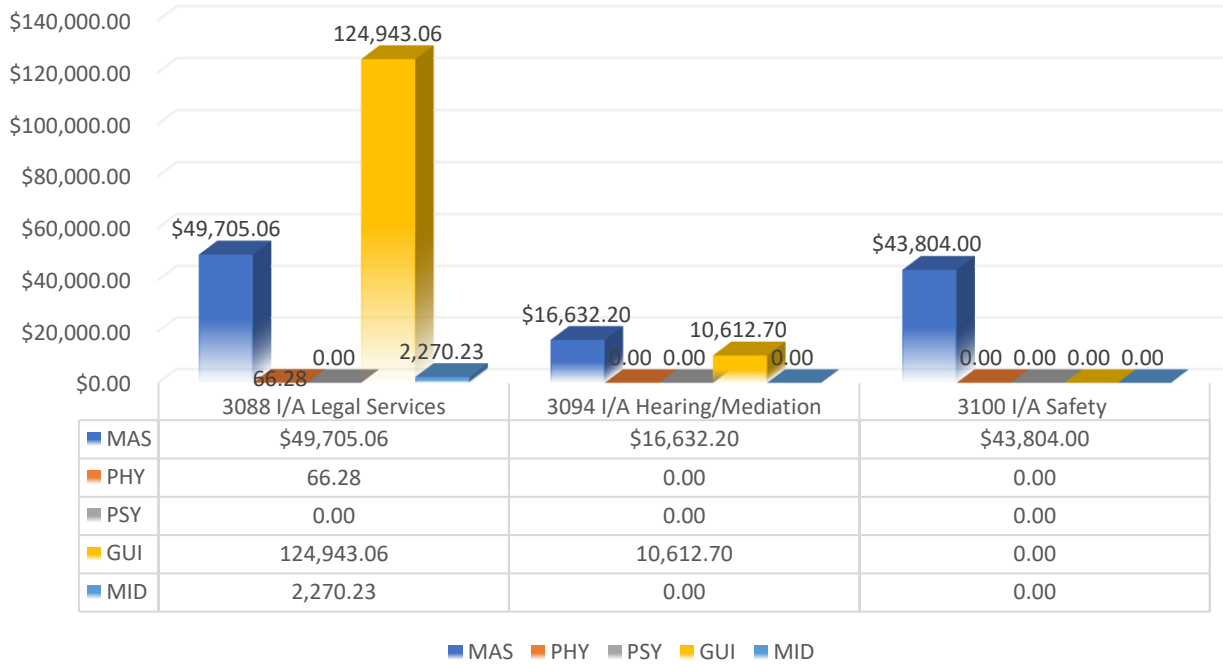
Sincerely,

Marylene

**Marylene Honor Wales**

CBPL Accountant  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
PO Box 110806, Juneau, AK 99811-0806  
☎ (907)465-4743

## FY18 COMPARISON



FY18 # of Licenses	MAS	PHY	PSY	GUI	MID
	1,498	2,041	290	1,730	61

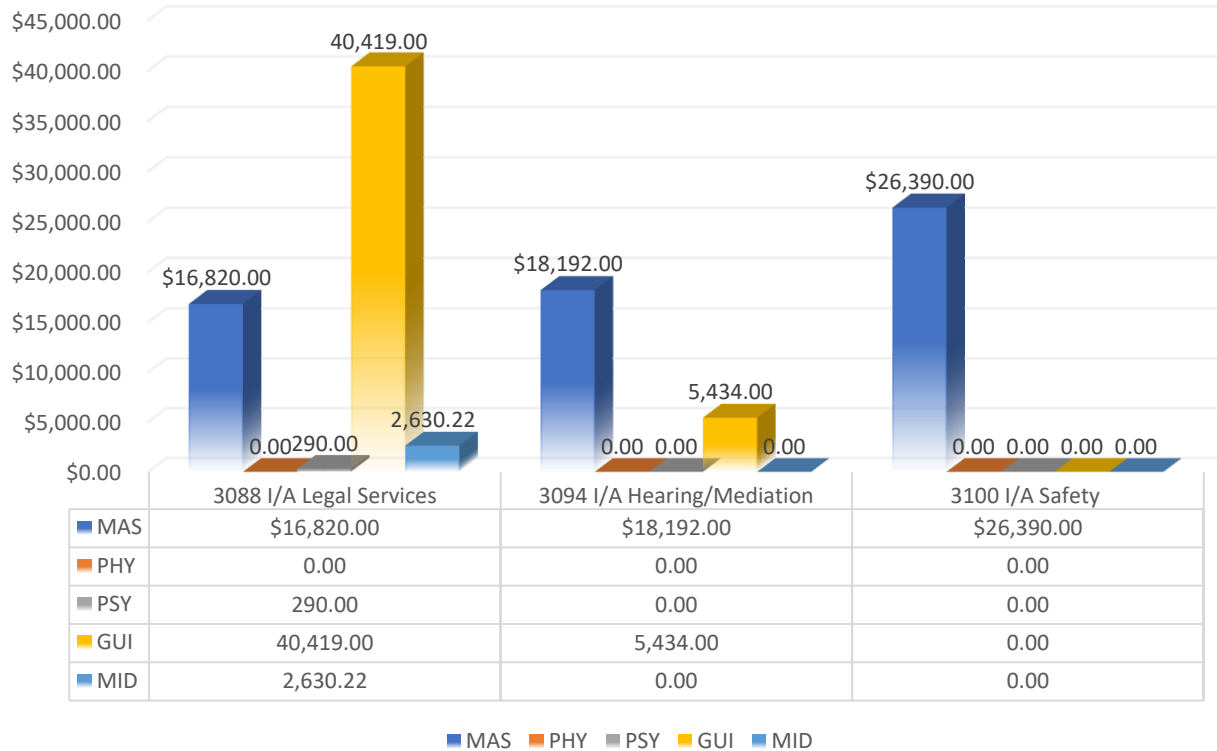
FY18 3088 - Legal Services Breakdown					
Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$48,026	\$66	\$0	\$23,510	\$1,392
INVE	1,679	0	0	101,433	878
<b>Total</b>	<b>\$49,705</b>	<b>\$66</b>	<b>\$0</b>	<b>\$124,943</b>	<b>\$2,270</b>

FY18 3094 - Hearing/Mediation Breakdown					
Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$0	\$0	\$0	\$3,475	\$0
INVE	16,632	0	0	7,138	0
<b>Total</b>	<b>\$16,632</b>	<b>\$0</b>	<b>\$0</b>	<b>\$10,613</b>	<b>\$0</b>

**Note:**

- 3088 = Inter - Agency (I/A) Legal Services
- 3094 = Inter - Agency (I/A) Hearing/Mediation
- 3100 = Inter - Agency (I/A) Safety (Fingerprinting)

## FY17 COMPARISON



FY17 # of Licenses	MAS 1,482	PHY 1,834	PSY 321	GUI 1,574	MID 77
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### FY17 3088 - Legal Services Breakdown

Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$2,059	\$0	\$290	\$16,478	\$2,630
INVE	14,761	0	0	23,942	0
<b>Total</b>	<b>\$16,820</b>	<b>\$0</b>	<b>\$290</b>	<b>\$40,419</b>	<b>\$2,630</b>

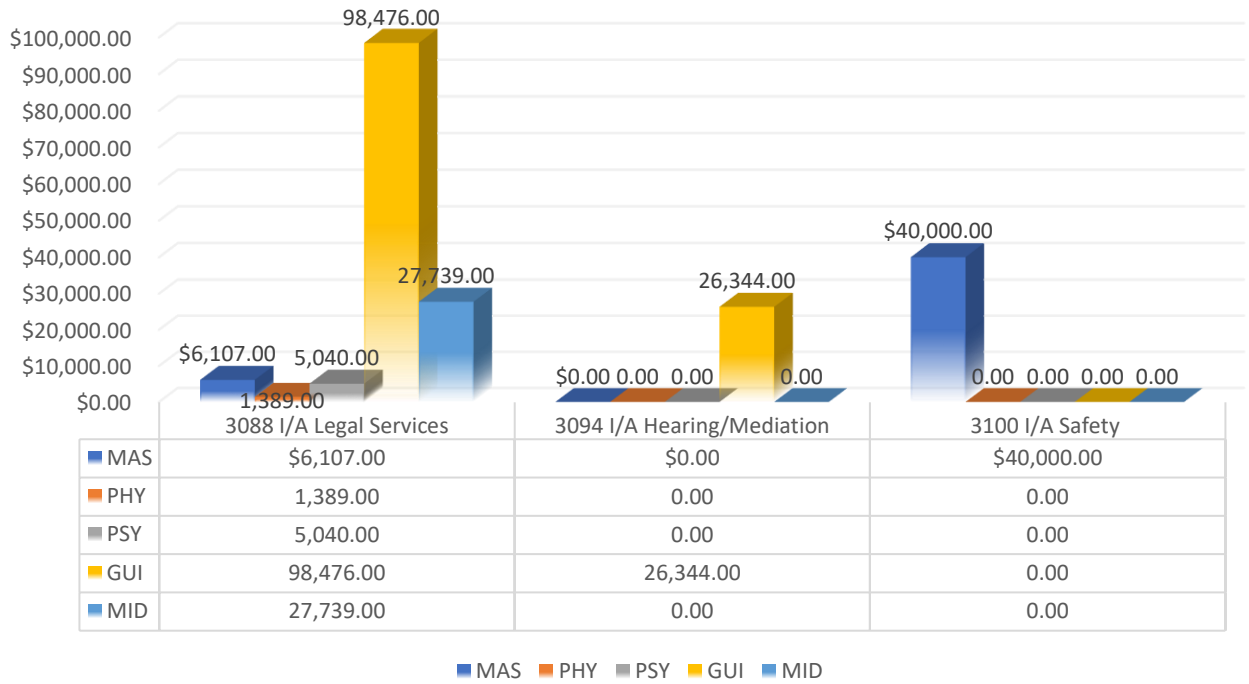
### FY17 3094 - Hearing/Mediation Breakdown

Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$0	\$0	\$0	\$115	\$0
INVE	18,192	0	0	5,318	0
<b>Total</b>	<b>\$18,192</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,434</b>	<b>\$0</b>

**Note:**

- 3088 = Inter - Agency (I/A) Legal Services
- 3094 = Inter – Agency (I/A) Hearing/Mediation
- 3100 = Inter – Agency (I/A) Safety (Fingerprinting)

## FY16 COMPARISON



FY16 # of Licenses	MAS	PHY	PSY	GUI	MID
	756	1,546	307	1,770	65

FY16 3088 - Legal Services Breakdown					
Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$6,107	\$948	\$1,181	\$12,642	\$1,949
INVE	0	441	3,859	85,834	25,790
<b>Total</b>	<b>\$6,107</b>	<b>\$1,389</b>	<b>\$5,040</b>	<b>\$98,476</b>	<b>\$27,739</b>

FY16 3094 - Hearing/Mediation Breakdown					
Unit Name	MAS	PHY	PSY	GUI	MID
PROF	\$0	\$0	\$0	\$4,957	\$0
INVE	0	0	0	21,387	0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$26,344</b>	<b>\$0</b>

**Note:**

3088 = Inter - Agency (I/A) Legal Services  
 3094 = Inter - Agency (I/A) Hearing/Mediation  
 3100 = Inter - Agency (I/A) Safety (Fingerprinting)



**From:** [Wales, Marylene H \(CED\)](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Cc:** [Hannasch, Dawn K \(CED\)](#); [Dumas, Melissa L \(CED\)](#); [Chambers, Sara C \(CED\)](#); [Ward, Charles W \(CED\)](#)  
**Subject:** MAS Fee Analysis  
**Date:** Friday, December 28, 2018 10:47:51 AM  
**Attachments:** [MAS Fee Analysis to Board.pdf](#)  
[MAS Fee Analysis to Board.xlsx](#)  
[image001.png](#)

Good morning Dawn,

Thank you for deleting my first email. Please email attached Fee Analysis Tool in excel format to MAS Board Members for their review and **kindly encourage them to experiment with fee changes in the Fee Adjustment fields under the "Proposed by board" column to see how changes affect the Ending Cumulative Surplus or Deficit under the Calculations Based on Board's Proposal column.** The Fee Adjustment fields in the "Proposed by Board" column is unlocked so they can enter values. These adjustments and ending balances can be compared to the "Calculations Based on Current Fees" and "Calculations Based on Division's Proposal" columns.

The Division proposed a \$60.00 fee increase this time (see Proposed By Division column). The Division projected that by increasing a \$60 fee will make the Board's Projected Net to become positive and at the same time, increase a little bit of the carrying surplus by FY2019 to 2024.

Please let us know if you or the Board have any further question on this.

Fee Type	Current fee schedule			Proposed by board				Proposed by division				Adjustments			In System 10
	Current Fee	Projected Units	Projected Revenue	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment	Fee with Recommended Adjustment	Projected Revenue after Adjustment	% Change	Fee Adjustment for Estimated Prorated Renewals	Projected Units *	Projected Revenue Loss	
Application Initial License	200	398	\$ 79,600		200	\$ 79,600	0%		200	\$ 79,600	0%				Application Init
New Massage Therapists	290	398	115,420		290	115,420	0%	60	350	139,300	21%	(175.00)	38	(6,650.00)	New Massage Tr
Renewed Massage Therapists	290	1171	339,590		290	339,590	0%	60	350	409,850	21%				Renewed Massa
Fingerprint Processing Fee	60	398	23,880		60	23,880	0%		60	23,880	0%				Fingerprint Proc
Centralized Fees	5,757	1	5,757		5,757	5,757			5,757	5,757				\$ (6,650)	Initial:
			\$ 564,247		\$ 564,247				\$ 658,387						New:
															Renewal:
															Temporary:
															Courtesy:
															Centralized:
*Units based on FY2019 renewal, per 12 AAC 02.030															
Beginning Cumulative Surplus must be from FY2017															
It is unknown at this time how HB110 will increase expenditures															
	CALCULATIONS BASED ON CURRENT FEES					CALCULATIONS BASED ON BOARD'S PROPOSAL					CALCULATIONS BASED ON DIVISION'S PROPOSAL				
	FY2018/2018	FY2019/2018	Projected FY2019/2019	Projected FY2019/2020	Projected FY2019/2024	FY2018/2018	Projected FY2019/2019	Projected FY2019/2020	Projected FY2019/2024	FY2018/2018	Projected FY2019/2019	Projected FY2019/2020	Projected FY2019/2024		
Revenues and Expenditures	Actuals	Actuals				Actuals				Actuals					
Revenue	586,890	575,681	564,247	564,247	564,247	575,681	564,247	564,247	564,247	575,681	658,387	658,387	658,387		
Expenses	(325,478)	(605,550)				(605,550)				(605,550)					
Adjustments															
Expenses adjusted for 2% biennial increase			(617,661)	(630,014)	(642,615)		(617,661)	(630,014)	(642,615)		(617,661)	(630,014)	(642,615)		
Fee adjustment for pro-rated renewal			(6,650)	(6,650)	(6,650)		(6,650)	(6,650)	(6,650)		(6,650)	(6,650)	(6,650)		
Projected Net		(29,869)	(60,064)	(72,417)	(85,018)	(29,869)	(60,064)	(72,417)	(85,018)	(29,869)	34,076	21,723	9,122		
Beginning Cumulative Surplus (Deficit)		261,412	231,543	171,479	99,061	261,412	231,543	171,479	99,061	261,412	231,543	265,619	287,341		
Ending Cumulative Surplus (Deficit)		231,543	171,479	99,061	14,044	231,543	171,479	99,061	14,044	231,543	265,619	287,341	296,464		

Sincerely,

Marylène

**Marylène Honor Wales**  
 CBPL Accountant  
 Department of Commerce, Community and Economic Development  
 Division of Corporations, Business and Professional Licensing  
 PO Box 110806, Juneau, AK 99811-0806  
 ☎ (907)465-4743

**3 Fiscal Year Board of Massage Therapists Comparison**

FY	3088 - I/A Legal		Total	3094 - I/A Hearing Mediation		Total	3100 - I/A Safety		Total
	INVE	PROF		INVE	PROF		INVE	PROF	
2016	-	6,106.88	<b>6,106.88</b>	-	-	-	-	40,000.00	<b>40,000.00</b>
2017	14,760.58	2,059.27	<b>16,819.85</b>	18,192.27	-	<b>18,192.27</b>	-	26,390.25	<b>26,390.25</b>
2018	1,679.19	48,025.87	<b>49,705.06</b>	16,632.20	-	<b>16,632.20</b>	-	43,804.00	<b>43,804.00</b>

# Investigative Case Review & Probation Report

# Reviewing Board Member Refresher

AS 08.61.070  
Unlicensed Practice

**From:** [Jill Motz](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Agenda Item Add  
**Date:** Tuesday, February 12, 2019 12:51:08 PM

---

Dawn,

I've received two cases recently that involved a non-applicant (or someone inquiring about becoming licensed) practicing massage without a license.

In speaking to Investigator Jacobs, I was told that the board does not have authority over these people and it seems that in the past, we have simply sent a closure letter after initial complaint and investigation. I don't disagree with Investigator Jacobs at all, but could we get clarification on this point from legal?

It was my understanding that ANYONE who claimed to be a therapist and was not licensed was guilty of a class B misdemeanor. I realize that this is not necessarily the direct path for every complaint, but it costs the program time, money and effort to investigate these things and if non-applicants are taking those resources, I would like to know if we have the ability to fine them and let them know that if they continue, they could be subject to prosecution. Otherwise, what is the point of the following section of the Statues?

Sec. 08.61.070. Practice of massage therapy without license prohibited. (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional European or contemporary western massage method, or a derivation of a term that implies a massage technique or method. (b) A person who knowingly violates (a) of this section is guilty of a class B misdemeanor.

Is it possible to add this to the agenda for the next meeting?

Jill

Review/Revision of  
12 AAC 79.110(2)(B)

# Regulations Questionnaire



## Regulation Changes Questionnaire

Division/Board: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Regulation change being proposed: 12 AAC \_\_\_\_\_

General top of the regulation: \_\_\_\_\_

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?  If yes, effective date of new statute/federal law: _____  <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type?  If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?  If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements?  If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> Letter to licensees <input type="checkbox"/>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

**CHAPTER 79.  
MASSAGE THERAPISTS.**

**Article**

- 1. Licensing (12 AAC 79.100 – 12 AAC 79.130)**
- 2. License Renewal and Continuing Education (12 AAC 79.200 – 12 AAC 79.220)**
- 3. General Provisions (12 AAC 79.900 – 12 AAC 79.990)**

**ARTICLE 1.  
LICENSING.**

**Section**

- 100. Application for licensure by examination**
- 110. Application for licensure by credentials**
- 120. Application for transitional license**
- 130. Criminal justice information**

**12 AAC 79.100. APPLICATION FOR LICENSURE BY EXAMINATION.** (a) The board will issue a license by examination to practice massage therapy to an applicant who meets the requirements of AS 08.61.030 and this section.

(b) An applicant for licensure by examination under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
  - (A) the personal identification information requested on the form;
  - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
  - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
  - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
- (2) verification of massage therapy education; verification must consist of
  - (A) an official school transcript evidencing completion of a course of study of at least 500 hours of in-class supervised instruction and clinical work from a massage therapy school or program that
    - (i) has authorization to operate from the Alaska Commission on Postsecondary Education under AS 14.48 or from a similar agency of another state; or
    - (ii) is accredited by a nationally recognized accrediting agency; or
  - (B) satisfactory evidence of completion of a board-approved apprenticeship program;
- (3) verification of having passed
  - (A) the Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards; or
  - (B) the National Certification Examination for Therapeutic Massage or the National Certification Examination for Therapeutic Massage and Bodywork, each administered by the National Certification Board for Therapeutic Massage and Bodywork, if the applicant took the examination before February 1, 2015;
  - (4) a current certification in cardiopulmonary resuscitation from the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization; and
  - (5) verification of having completed at least four hours of safety education in bloodborne pathogens and universal precautions in the two years preceding the application.

**Authority:** AS 08.61.020 AS 08.61.030 AS 08.61.090

**12 AAC 79.110. APPLICATION FOR LICENSURE BY CREDENTIALS.** (a) The board will issue a license by credentials to practice massage therapy to an applicant who meets the requirements of AS 08.61.040 and this section.

(b) An applicant for licensure by credentials under this section must submit

- (1) a completed application, on a form provided by the department; the completed application must include
  - (A) the personal identification information requested on the form;
  - (B) information related to the grounds of disciplinary sanctions under AS 08.61.060;
  - (C) the applicant's fingerprint information described in 12 AAC 79.130; and
  - (D) the application fee, fingerprint processing fee, and license fee specified in 12 AAC 02.396;
- (2) verification that the applicant
  - (A) holds a current license to practice massage therapy in another state, jurisdiction, or country where licensing requirements are substantially equal to or greater than the requirements of this state; or
  - (B) certified by the American Massage Therapy Association, the National Certification Board for Therapeutic Massage and Bodywork, or other board-approved credentialing entity; and
- (3) current certification in cardiopulmonary resuscitation through the American Red Cross, American Heart Association, American Safety and Health Institute, or an equivalent organization.

# Review Tabled Applications

K.K.

L.O.

Y.M.

# Lunch



# Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; the licensing examiner will keep track of the time and notify the individual when they have 1 minute left.

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

# Use of Curriculum Breakdown

# Administrative Business

# Administrative Business

## Meeting Calendar

# STATE OF ALASKA

# 2019

# HOLIDAY CALENDAR

## State Holidays

Date	Holiday
01/01	New Year's Day
01/21	MLK Jr.'s Birthday
02/18	Presidents' Day
03/25	Seward's Day
05/27	Memorial Day
07/04	Independence Day
09/02	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/28	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday

 NEARLY UNAVAILABLE  Unavailable

 MAS MEETING



State calendar maintained by the  
Division of Finance,  
Department of Administration  
<http://doa.alaska.gov/calendars.html>  
Revised 04/16/2018

## JANUARY

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## JULY

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

## FEBRUARY

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

## AUGUST

S	M	T	W	R	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

## MARCH

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

## SEPTEMBER

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

## APRIL

S	M	T	W	R	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

## OCTOBER

S	M	T	W	R	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

## MAY

S	M	T	W	R	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

28th-Furlough

## NOVEMBER

S	M	T	W	R	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

## JUNE

S	M	T	W	R	F	S
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

## DECEMBER

S	M	T	W	R	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

# Document Signing

# Correspondence

# Wallis



From: Gordon Wallis  
To: [Board of Massage Therapists, CCRJ \(approved\)](#)  
Subject: Re:Haylee  
Date: Thursday, December 13, 2018 7:48:35 AM



# NEUROVERSION

962  
9577-8673  
Home: 907-952-2536  
Provider: WALLIS, GORDON

## Telephone Encounter

Answered by Washburn, Kristen

Date: 05/02/2018

Time: 09:25 AM

Caller Blue Cross Federal

Reason 2018 Massage therapy benefits

## Message

Patient has massage therapy benefits IF it is rendered on the same day as a PT or Chiropractor visit. Must be on THE SAME DAY. Since her \$5,000 oop has been met- massage is covered at 100%. She is allowed a total combined visit limitation of 75 per year; to date 24 have been met.

Message given to Haylee to call patient. Making sure patient is aware that she must see a PT or chiropractor on same day for massage to be covered.

Call Reference# 18122

## Action Taken

I gave the patient the note. She said she does go see a chiropractor so she would coordinate tit in the future for her visits with Gordon. Patient stated that she would call back to schedule an appointment. Robinson, Haylee 5/3/2018 4:21:25 PM >

I just want to point out to the board that our massage license, despite the professional status it's supposed to give us. Is a much lesser license than other professional licenses on many levels. Here is one.

I lost this patient, and many others, that I could have helped, because of the inconvenience to the patient, and of myself having a weak license.

"MASSAGE THERAPY, DESPITE OUR STATE LICENSING, IS STILL SEEN AS A MERE ASPECT OF THE PHYSICAL THERAPY AND CHIROPRACTOR PROFESSION." Nothing more.

I have over 30 years experience as a massage therapist. I work with an anesthesiologist and an Osteopathic physician in their pain clinic.

It's not good enough if the patient sees an Osteopathic physician or Anesthesiologist on the same day?

Our profession has always wanted to be recognized and be an integral part of the medical profession. A state license is not doing it. Might as well go back to the city licensing. It was certainly less expensive.

### REALITY

Massage therapists are finally moving into the medical MD world. We need federal legislation to catch up with this reality. Longer schooling, more continuing education, state licensing requirements, credentialing, won't change a thing until there is federal legislation that makes it so.

If massage therapists are to be working with medical doctors, this has to change.

I'm asking you, as a professional massage therapist working with medical doctors, to help initiate this change? By working with other state boards, massage organizations, our federal senators, representatives, and make it so.

Respectfully and hopefully,  
Gordon Wallis Lmt.  
NPI number 1548711005

Sent from my iPad

**From:** Gordon J. Wallis  
**To:** [Board of Massage Therapists \(CED sponsored\)](#)  
**Subject:** Not right  
**Date:** Friday, December 28, 2018 10:12:13 AM

---

Dawn ,

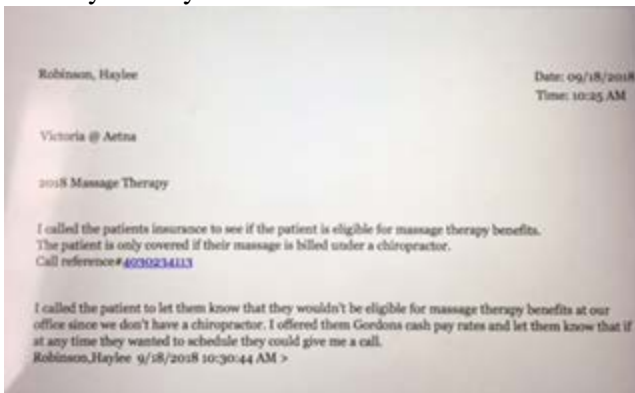
I know that you have forwarded my concerns and complaints to the massage board before. Here is another example of me loosing business. It's not right that I , a licensed massage therapist, am penalized for working with medical doctors and osteopathic physicians. My work would be covered if I'm working with a chiropractor? Give me a break!

I would like our massage board to give a serious think on pushing for legislation that would change this injustice.

Sense I've been a professional massage therapist therapist(30 years). Our profession has been striving to be accepted by the medical community.

If insurance doesn't cover massage therapists that work in a medical with medical doctors. How is that ever going to happen?

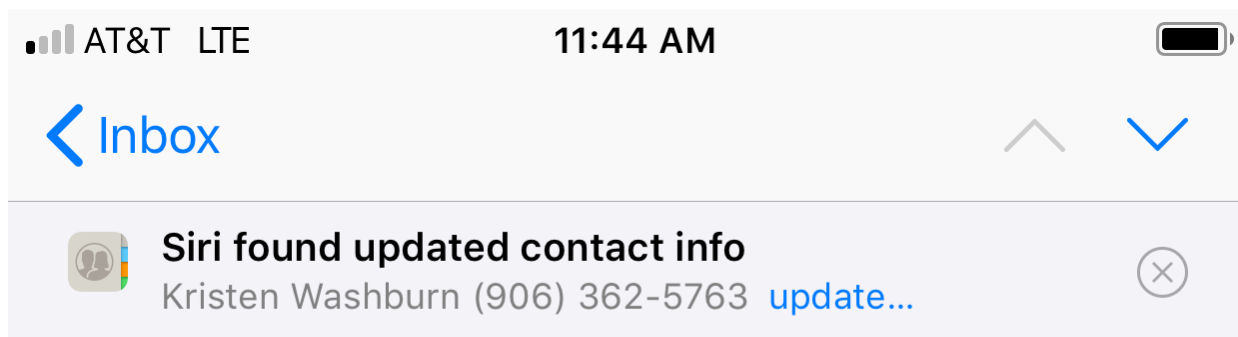
Thank you for your work.



Gordon Wallis Lmt.

From: Gordon J. Wallis  
To: [Board of Massage Therapists \(CFD sponsored\)](#)  
Subject: Constantly denied to provide therapy  
Date: Monday, December 31, 2018 12:05:58 PM  
Attachments: [IMG\\_5074.PNG](#)

You have received several examples of insurance companies denying covering massage therapy done by a licensed massage therapist. Often times because I work with medical doctors and not chiropractors. Here they will cover it by everyone except a massage therapist. I don't really see the value of this massage license. Other professions can do massage though. State or federal legislation needs to be implemented in order to give us a real professional status.



From: **Kristen Washburn** >

To: **Zoe Hixenbaugh** >

Hide



Cc: **Gordon Wallis** >

## Message not approved- Pt.13679

Today at 11:18 AM

Hi, Zoe-

I called to check massage benefits for patient 13679 and they stated, "I called Aetna to check massage benefits for the patient. Call reference #4220778627- massage therapy is only covered when rendered by a Physical therapist or MD/DO."

Please call patient to let her know and to offer her a cash discount amount.

**\*I have copied Gordon on this; as he likes to know when they are not approved due to being rendered by a LMT.\***

Thanks,

**Kristen Washburn** | COO

O: [907-290-1683](tel:907-290-1683) C: [906-362-5763](tel:906-362-5763)

Email: [kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)

[2925 DeBarr Rd. Suite 240 | Anchorage, AK 99508](#)



Gordon Wallis Lmt.

**From:** Gordon J. Wallis  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Re: Constantly denied to provide therapy  
**Date:** Wednesday, January 2, 2019 1:21:02 PM

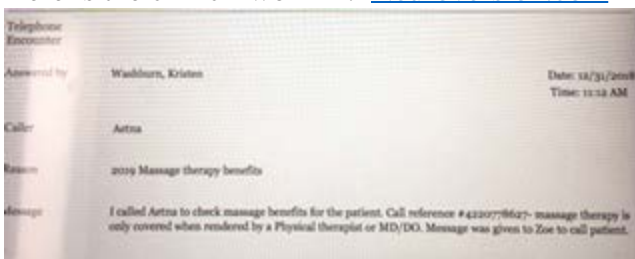
---

Dawn, I appreciate your help. And I realize that the massage board has no control over insurance company policy. I'm just thinking that perhaps, the board can initiate state or federal legislation that can make things right. It's ridiculous that licensed massage/manual therapy can be covered in a chiropractic setting but not an osteopathic or medical doctor setting. Or that massage is covered if preformed by an occupational therapist but not a licensed massage therapist.

The state may recognize my license, but until the insurance companies do. It really doesn't mean much. From the clinic I work ins perspective. It's hardly worth anything. I believe it's going to take federal legislation.

I work with both an MD/DO. They don't want to massage the patient. They hired a licensed professional massage therapist for that. Again thank you for your help.

Here is the clinic I work in. [Neuroversion.com](#)



Gordon Wallis Lmt.

On Jan 2, 2019, at 12:50 PM, Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)> wrote:

Hello Mr. Wallis,

Thank you for this update. I will add this to the correspondence you have previously sent that is being sent to the board in their Feb 28-Mar 1, 2019 meeting.

As it has been discussed, massage therapists do have professional status in Alaska. Unfortunately, The Board of Massage Therapists do not have jurisdiction over the requirements implemented by insurance companies.

To address your concern, "other professions" may not perform massage without a massage therapist license in Alaska according to AS 08.61.070. If you know of someone who is, please contact our Investigations Department at 907-269-8174 or go to <https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx> to report them for unlicensed practice.

**Sec. 08.61.070. Practice of massage therapy without license prohibited.** (a) A person may not practice massage therapy or represent that the person is a massage therapist unless the person holds a

valid license under this chapter. In this subsection, a person represents that the person is a massage therapist when the person adopts or uses a title or description of services that incorporates one or more of the following terms or designations: massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist, myotherapy, or another term describing a traditional European or contemporary western massage method, or a derivation of a term that implies a massage technique or method.

(b) A person who knowingly violates (a) of this section is guilty of a class B misdemeanor.

**Sec. 08.61.080. Exceptions to application of chapter.** This chapter does not apply to a

(1) person licensed in the state under a statute outside this chapter who performs massage therapy within the scope of practice for which the person's license was issued;

(2) person who, while acting in an official capacity as an employee of the United States government, performs massage therapy;

(3) person who is licensed, registered, or certified in another state, territory, the District of Columbia, or a foreign country while the person is temporarily

(A) practicing massage therapy in this state in connection with teaching a course related to massage therapy; or

(B) consulting with a person licensed under this chapter;

(4) student enrolled in an approved massage school or course of study who is completing a clinical requirement for graduation under the general supervision of a person licensed under this chapter if the student is clearly identified as a student while performing massage therapy services on members of the public and is not compensated for the massage therapy services;

(5) person only performing massage therapy on members of the person's family;

(6) person only performing techniques that do not involve contact with the body of another person;

(7) person only performing techniques that involve resting the hands on the surface of the body of another person without delivering pressure to or manipulating the person's soft tissues;

(8) person only performing services such as herbal body wraps, skin exfoliation treatments, or the topical application of products to the skin for beautification purposes when the services do not involve direct manipulation of the soft tissues of the body;

(9) person only performing massage therapy for the athletic department of an institution maintained by public funds of the state or a political subdivision of the state or only practicing massage therapy for the athletic department of a school or college approved by the board using recognized national professional standards;

(10) person engaged only in the practice of structural integration for restoring postural balance and functional ease by integrating the body in gravity using a system of fascial manipulation and awareness who has graduated from a program or is a current member of an organization recognized by the International Association of Structural Integrators, including the Rolf Institute of Structural Integration;

(11) person using only light touch, words, and directed movement to deepen awareness of existing patterns of movement in the body as well as to suggest new possibilities of movement or to affect the energy systems;

(12) person performing only the traditional practices of Native American traditional healers;

(13) person practicing only the manipulation of the soft tissues of the hands, feet, or ears and not holding out to be a massage therapist.

---

I was just informed that anyone can bring legislation before the state with the sponsor. If you have such a bill in mind, you should contact your state representative.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner

Board of Massage Therapists  
Corporations, Business, and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
PH: 907-465-3811  
Fax: 907-465-2974  
[Board of Massage Therapists Webpage](#)  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

**From:** Gordon J. Wallis [<mailto:reversegripgwmt@gmail.com>]

**Sent:** Monday, December 31, 2018 12:06 PM

**To:** Board of Massage Therapists (CED sponsored)

<[boardofmassagetherapists@alaska.gov](mailto:boardofmassagetherapists@alaska.gov)>

**Subject:** Constantly denied to provide therapy

You have received several examples of insurance companies denying covering massage therapy done by a licensed massage therapist. Often times because I work with medical doctors and not chiropractors. Here they will cover it by everyone except a massage therapist.

I don't really see the value of this massage license. Other professions can do massage though.

State or federal legislation needs to be implemented in order to give us a real professional status.

<image001.png>

Gordon Wallis Lmt.

**From:** [Gordon Wallis](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Re: Pt. 13570  
**Date:** Monday, January 14, 2019 12:36:28 PM

---

Yes, because the board needs to be aware. I know the only thing that will help is legislation. Thank you for your help.

Gordon Wallis Lmt.

On Jan 14, 2019, at 12:15 PM, Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)> wrote:

Hello Mr. Wallis,

I commend you for wanting to help your industry.

I recommend contacting your state representative to see how legislation may be introduced on this subject.

Did you want this correspondence to be sent to the board for review with your other e-mails?

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Corporations, Business, and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
PH: 907-465-3811  
Fax: 907-465-2974  
[Board of Massage Therapists Webpage](#)  
[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

---

**From:** Gordon Wallis [<mailto:gwallis@neuroversion.net>]  
**Sent:** Monday, January 14, 2019 11:53 AM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** Fwd: Pt. 13570

Dawn, I realize that the massage board has nothing to do with insurance company



policy. In this case it's Blue Cross Federal. But I'm working with medical doctors, and I'm a licensed professional. The patient should not need to be forced to see a chiropractor or physical therapist to see me. Let alone on the same day. That's why I'm suggesting federal legislation to stop this ridiculous requirement.

She, the patient, doesn't need to see a chiropractor or physical therapist. I can help this patient dramatically, more than any PT or Chiropractor. Here are her treatment notes. Below the treatment notes are the forwarded emails from the CFO of our company. In addition, anyone can call Blue Cross Federal and hear their policy on massage reimbursement.

We need legislation, or massage will never move into the medical doctor world.



Gordon Wallis Lmt.

Begin forwarded message:

**From:** Kristen Washburn <[kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)>  
**Date:** January 14, 2019 at 11:12:56 AM AKST  
**To:** Gordon Wallis <[gwallis@neuroversion.net](mailto:gwallis@neuroversion.net)>  
**Subject: RE: Pt. 13570**

You sure can. There is no patient specific information- so that is no problem.

I even have the call reference number as well.

**Kristen Washburn** | COO  
O: 907-290-1683 C: 906-362-5763  
Email: [kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)  
2925 DeBarr Rd. Suite 240 | Anchorage, AK 99508

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---

**From:** Gordon Wallis  
**Sent:** Monday, January 14, 2019 11:12 AM  
**To:** Kristen Washburn <[kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)>  
**Subject:** Re: Pt. 13570

Is it ok if I forwarded this email to the state message board. They don't believe me. They say our clinic must not be billing correctly.

Gordon Wallis Lmt.

On Jan 14, 2019, at 11:07 AM, Kristen Washburn  
<[kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)> wrote:

Hi, Gordon-

Just as I suspected---her plan allows for massage therapy ONLY if rendered the same day as a PT, OT, or chiropractor visit.

No limits to how many she can have—just needs to be done on the same day as mentioned above or they WILL not cover massage.

She also has a \$30.00 copay for each massage visit.

Call reference#190140005508

**Kristen Washburn** | COO

O: 907-290-1683 C: 906-362-5763

Email: [kwashburn@neuroversion.net](mailto:kwashburn@neuroversion.net)

2925 DeBarr Rd. Suite 240 | Anchorage, AK 99508

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**From:** [Gordon Wallis](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Fwd: Pt. 13570  
**Date:** Monday, January 14, 2019 11:59:24 AM

---

Dawn, I realize that the massage board has nothing to do with insurance company policy. In this case it's Blue Cross Federal. But I'm working with medical doctors, and I'm a licensed professional. The patient should not need to be forced to see a chiropractor or physical therapist to see me. Let alone on the same day. That's why I'm suggesting federal legislation to stop this ridiculous requirement.

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---

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**Sent:** Monday, January 14, 2019 11:12 AM

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Call reference#190140005508

**Kristen Washburn** | COO

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Lea

# TARIKA LEA

2104 Southern Ave, Fairbanks, AK 99709  
CELL: (907) 978-7161 www.leamethod.com

Greetings to the Board of Massage Alaska,

January 7, 2019

RE: Seeking approval to offer authorized continue education classes for credit toward recertification

This letter is in regard to providing classes for those seeking AK licensure renewal. I request that you consider allowing The School of Integrating Shiatsu Alaska to offer The Lea Method classes as direct hands-on continuing education classes and to have them be authorized through the board's approval.

I am the education director and founder of School of Integrating Shiatsu Alaska. I have been teaching from the beginning of my career which I celebrate my 50<sup>th</sup> year this year being a pioneer in this field since 1969. It was then that I first apprenticed in Hawaii for three years with a famous healer/Kahuna lapa'au Morrnah Simeona. Since then I have professionally taught hundreds over my career from Texas, to Europe, to California and also Hawaii. Due to my traveling I have had three massage licenses in Hawaii, I hold an active license in Texas having moved there from Hawaii to San Antonio in 1972 (when legitimate massage therapist were rare). I also have an active AK State Massage License.

SCHOOL HISTORY Alaska became my home in 1985. I founded the first ACPE authorized massage school in 1992. To my knowledge the only other massage school was in Anchorage. It also started around that time. My program grew from 250 hours increasing the bar yearly using the professors from the University as well as physical therapists to strengthen our eventual 600 Hour program. Our program was accepted by National Certification #022439-00 and further recognized by ABMP. Our graduates are highly sought after and respected.

I personally have been a member of ABMP since 1987 #110000 and also currently certified by NCTMB #4549-00 since 1992. Although the school's last full professional program (600 Hours) ended in 2002 many have taken continuing education courses through our school as we hold an exempt status that is reviewed periodically. I am looking forward to offering yearly summer /early fall classes in Alaska.

PLEASE REVIEW THE ENCLOSED LIST OF CLASS OFFERINGS I have included a selection of the classes I have on file with ACPE (see enclosures). I require full attendance, and a hands-on testing of material demonstrated and presented to assure students absorbs and can implement the techniques.

Thank you for your consideration to allow these classes to be offered as credit toward licensure in the state. Please inform me if more detail of these classes or my credentials are needed. Note a current copy of the state letter of exemption and the NCTMB card is not enclosed but can be obtained.

Sincerely,

Tarika Lea

*Enclosures: Summary of accomplishments, List of courses to review, Syllabus for: Kata Massage, Chair Kata, Hawaiian Mat Massage, Enhanced Hand & Foot Reflexology, The Yin of Touch and Massage Therapist Keys, Refund Policy, Info -Hawaiian Mat Massage tm history, Sample certificates of: Kata Massage Intro, Chair Kata Massage, NCBTMB certificate, AK State Exempt Letter*

# TARIKA LEA

2104 Southern Ave.  
Fairbanks, AK 99709  
CELL: (907) 978-7161  
[www.leadmethod.com](http://www.leadmethod.com)

**Overview:** Tarika Lea has developed a several longevity techniques of massage under the umbrella of The Lea Method. Kata Massage Series tm is trademarked which includes Level One and Two of Kata Massage plus tailored methods of Slide Kata, Side Lying Kata and Chair Kata. Hawaiian Mat Massage tm uses full body mechanics, use of breath and gravity. I am enthusiastic to share the value of the safe professional use of therapeutic grade essential oils. The Hand and Foot Reflexology classes presents essential oils use emphasizing this aspect leaving obtaining them to the participant's research.

## Summary of Professional Accomplishments

- Over 50 Years of teaching highly effective massage techniques through apprenticeships, professional certifications and continuing education courses
- Originated The Lea Method – Kata Massage Series tm, an entire career longevity oriented delivery system of an easy-to-learn technique that is also easy to duplicate and teach using Eastern, Western and Hawaiian influences
- Specialized training approach - addressed different learning styles with a sequential approach with broad based dynamic teaching techniques. Each class adapted to both entry level practitioners as well as seasoned massage therapists
- Obtained a master level Neuro Linguistic Programing course to support communication skill tools throughout classes also to better anchor the techniques
- Originated Gentle Wind Essential Oil Applications for personal and professional use
- Originated Hawaiian Mat Massage tm, a method adapted directly sourced in Hawaii
- Designed a Postsecondary authorized professional practitioner training program and curriculum in massage therapy and business mastery meeting national certification requirements
- Was highly creative in the expansion of offered programs, need for promotions and addressing conflict resolution between staff and students
- Authored all school manuals throughout the different levels of the programs offered

*Following is more detail in some of the responsibilities and skills I have needed to use and develop as a result of my years of pioneering this wonderful field of massage.*

## Administration, Research and Promotions

- Met state audits so that students could get state student loan funding for our professional training program
- Worked with Voc Rehab with numerous students launching them in successful careers in massage
- Oversaw a Business Mastery Mentorship program to include students able to practice massage in our student clinic and events while having a direct experience before graduating our full Professional Program in developing a cliental base and running a clinic.
- Developed promotional launches designing graphics, posters and ads

- Gave free public informational presentations in what it takes to enter this field
- Organized, designed, printed and regularly updated and reviewed training charts and manuals
- Secured appropriate locations for trainings and arranged graduates to participate in the student clinics on a regular basis
- Interviewed new teachers, researching and reviewing new textbooks and program content
- Designed all enrollment contracts and other school forms to include the school catalogues that complied with AK Commission on Postsecondary Education strict guidelines
- Maintained all student records to date to include maintaining Alaska student loan requirements
- Fielded and arranged all on-site location inspections of city and state to meet requirements
- Attended national school Forums and other industry events to keep in touch with current trends offered by AMTA and ABMP
- Performed private entry, progressive and exit interviews with students to include the counseling of students in regard to their career goals and assessment of the school's offerings at the beginning at mid break and at the end of the program
- Inventory: assured all supplies for the school as well as the student clinics were in stock

### **Teaching Massage Therapy and Advanced Life Skills**

- Originated an entire system of massage applications – The Lea Method, emphasizing proper body and hand ergonomics to assure longevity in this career
- Designed advanced life skill programs to include personal growth and ethic responsibilities providing resources during the training period as well as opportunities to develop afterwards in personal and professional readiness
- Created and authored original detailed manuals and tailored programs offered to various attendant's levels
- Personally oversaw student's progress through mentoring and private interviews
- Adapted to each student's various learning styles to be flexible with the requirements of meeting each class's objectives without compromising the goal of their capability development
- Paced with each class drawing from a large bank of additional outside resources and class content where appropriate to enrich the learning environment and enthusiasm of each class
- Oriented every class to embrace a balance of body/mind and emotions personally so that the carry over skills would strengthen their ability to facilitate professionally
- Integrated specific stretching and strengthening as an important support health program to incorporate within their profession
- Encouraged and supported students with various types of meditations and relaxation techniques



# A Massage Therapist's Keys to Longevity Syllabus

## The Lea Method – Kata Massage Series™

---

*This overview class:*

**A Massage Therapist Keys to Longevity** will offer you a rich support as follows or can also be a good intro class for starting off one in giving a great massage:

- A quick reference chart of where compression pressure can be most effective
- Instilling Keys to Longevity through hands-on experience
- Results while remaining more energized yourself
- Foundational knowledge of how to relieve pain patterns
- Techniques that sink in to trigger points and tsubos without over doing it
- Highly refined hand and body dynamics to prevent injury & fatigue
- Body and hand mechanics – power of angles, positioning and use of gravity
- A review of techniques being used by each participant to anchor new choices
- ‘Strong and Long’ – strengthening oneself while giving a massage
- Ha Breath techniques - using the breath to process, clear and increase energy

**Developing Core Skills** Supporting a client's desired outcome of a body that can move with greater freedom requires core skill levels of massage techniques grounded with experience. To truly be effective the techniques used must also be tailored to the practitioner's own body style. There are key factors to assure needed core skills without sacrificing or jeopardizing one's own health and well-being as a facilitator. A practitioner's expanding bank of skills must take into account meeting each client's needs as well as safeguarding oneself through the use of techniques that does not damage ones body. It is a science most worthy of vigilance and study. Imperative for a facilitator, is to develop personal life skills in maintaining balance: emotionally, physically and mentally. Thus giving is from an overflow and availability to respond with ever greater awareness.

The design of the Kata Massage Series TM and Hawaiian Mat Massage TM has addressed a fail-safe method of body use. Many of the skills within these techniques can also present stand-alone methods to support a practitioner to a full life career no matter what techniques they may be using. Any of the continuing education classes within the Kata Massage Series tm offerings will contain many of these longevity keys and be a great contribution to an already established skill bank of other techniques. This class is to assist a practitioner with core skills with highlighting the importance of self-care.

School of Integrating Shiatsu Alaska, The Lea Method 1/2019

---

## **Kata Massage 80 Hour Certificate Syllabus**

### **Included in Kata Massage Section One Intro Plus, Level I & II**

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**The features** of this highly intuitive form of use the of Shiatsu/Acupressure points is enhanced by a easy-to-follow sequence that produces the basis of a step by step foundation of learning and advancement of understanding. The 21 step Kata Massage Sequence is anchored with descriptive names to help remember and supported by the Kata Massage Flow Chart Points. The careful use of a supported thumb and hand technique called the 'Three Basic Hand Positions' (and their variations and advanced methods) weaves together easily with the Kata Massage Slide techniques and advanced Side Lying Kata. This certificate offering also teaches:

- Benefits of Kata Massage Series tm
- Qualities, health practices, and body strengthening of a practitioner to develop
- Table height and equipment plus creating a 'field' of care within a session
- Support in emotional and spiritual preparedness and state of mind to facilitate
- Your Body Awareness Check List - Touch Plus You Principles
- Kata Massage Keys to Longevity + Learning how to use 'Rhythm, Flow and Focus'
- Interview and confidential info gathering techniques plus contraindications to consider
- Muscular & Skeletal System Chart reference
- Energy Theory of Tsubo and Meridians with chart reference support
- Learning of Kyo and Jutsu tsubo points developing sensitivity of accurate responses
- Use of breath to energize and sustain as well as assist recipient in release of tension
- Developing 'relationship positioning' that assists proper body mechanics & effectiveness
- Refining accurate pressure, using techniques and angles knowing the body's anatomy
- Touch Plus You and Longevity Keys are incorporated throughout this study
- Safety issues and benefits of the careful use of therapeutic grade essential oils
- Gaining permission of follow through of client care with appropriate note taking and feedback after a session

Note: A manual accompanies each of these sections. Also a two hour training DVD produced by The School of Integrating Shiatsu Alaska that includes the complete Kata Sequence demonstrated on the back of the body as well as the Touch Plus You and Longevity Keys is recommended but not required.

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The School of Integrating Shiatsu Alaska

# School of Integrating Shiatsu Alaska

1703 Fiddle Way, P.O. Box 83003, Fairbanks, Alaska 99708 (907) 479-3820 Fax 457-7163



## Receipt for Tuition Received

Student:

Address Phone & email:

Class enrolling for:

Date starting:

Date Ending:

Amount Paid:

Form of payment:

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Signature of Student and date:

Signature of Director or Assistant and date:

Refund Policy: If cancellation occurs within three business days after enrollment has been recorded, all monies paid shall be refunded. If cancellation occurs after three business days, but prior to the first day of classes the school may retain 15 percent of the total tuition cost or \$150, whichever is less.

For all other withdrawals or dismissals, the following terms and conditions will apply:

- a. The date of withdrawal will be set at receiving the withdrawal notice by telephone or written.
- b. The date of dismissal will be set at the last date of class attendance.
- c. Tuition refund is prorated by the ratio of the number of required course hours in any given class (as outline in the following table).
- d. Withdrawal fee the option of the school: Any student who withdraws from a certificate class before completion or within 48 hours of its start will be assessed an additional withdrawal fee of \$25. This amount will be withheld from any tuition refund due to the student, or shall be due from the student in addition to any remaining tuition obligation.

*The following is the breakdown of our refund policy:*

Amount of class utilized:

Up to 20%                      75% refunded

Over 20% - 50%              25% refunded

Over 50% Student is committed to the full tuition amount.

# School of Integrating Shiatsu Alaska

1703 Fiddle Way, P.O. Box 83003, Fairbanks, Alaska 99708 (907) 479-3820 Fax 457-7463



## 2019 Classes & Certificate Offerings *(Location and dates to be announced)*

	Credit Hours	Cost of Class
Kata Massage Section One Intro	16	\$395
Kata Massage Level One	34	\$875
Kata Massage Level Two	30	\$875
<b>Certificate: 80 Hour Kata Massage Series tm</b>		
Hawaiian Mat Massage tm Intro: Hips Move You	4	\$45
Hawaiian Mat Massage tm I & II	32	\$875
Hawaiian Mat Massage tm Advanced	24	\$450
<b>Certificate: 60 Hour Hawaiian Mat Massage tm</b>		
Chair Kata I - 3 Basic hand positions & body mechanics	15	\$275
Chair Kata II – Beyond the Kata + enhancing Chi	10	\$195
Chair Kata Slide Plus Advanced dynamics	10	\$195
<b>Certificate: 35 Hour Chair Kata Massage Series tm</b>		
Enhanced Foot Reflexology	12	\$225
Enhanced Hand Reflexology – The Blessing & Anointing	6	\$125
<b>Certificate: 18 Hour Enhanced Hand and Foot Reflexology</b>		
<b><i>Adaptable to all massage professionals and techniques:</i></b>		
The Yin of Touch – Integrating Kata Massage	10	\$195
A Massage Therapist Keys to Longevity	7	\$95
<b>Acknowledgement of hours certificate given by request</b>		

# **Yin of Touch Syllabus**

## **Integrating Kata Massage**

In the Yin of Touch being presence does not have a goal or end desire to be fulfilled. It has an innocence. It is like the first time you ever touched another meaningfully. Such a state is the backdrop for transcending concepts and conclusions. Touch can be redefined afresh over and over with every experience deepening your quality of touch. Such a touch can become more like poetry. There is a freedom from accomplishing. There is a freedom from the labor of doing. Such an experience of touching is a 'happening' that reveals itself moment to moment no matter what type of massage you give.

- A meditative approach that anchors a deepening awareness of the power of touch
- Techniques that help energize your hands through connecting with your heart
- A way to use your breath to assist the recipient to trust and relax deeper
- Learning how to pace through use of your voice
- How to have agreement of all of one's senses with fragrance, warmth of hands, music
- Leading through silence and permission to feel more, enjoy more
- Using ones hands in the principles of rhythm, focus and flow
- Ways to stay energized - whole body breathing and whole body movement
- Strengthening your awareness of moving from your center of gravity and engaging more of the energy of ones spine
- Learn an entire sequence of steps to bring your recipient to a feeling of wholeness
- Strengthen your non verbal communication to create more trust

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# Chair Kata Massage 35 Hour Certificate Syllabus

***Learn the advantages of the special features within the Kata Massage Series™ techniques to assure longevity and prevent practitioner's injury:***

- 1) 21 Chair Kata Sequence anchored with descriptive names to help remember
- 2) Support of the map called Kata Massage Flow Chart Points
- 3) Kata Massage 'Three Basic Hand Positions' and variations
- 4) Kata Massage Slide techniques variations
- 5) Your Body Awareness Check List - Touch Plus You Principles
- 6) Keys to Longevity for Chair Kata Massage

**Learn an entire bank of massage techniques and adaptation for Chair Massage:**

Using friction often where and how, 'Gravity Advantage' i.e. technique: Palm tree sway, effortless techniques like 'falling', stretching while giving, tabling ones back, 'setting' ones fingers for strength, tucking in ones thumb, dwelling within a point, the 'cliff hanger'

- Self Care First: health practices and inspirations to get to 'overflow' authenticity
- Preparation with the Ha Breath Meditation to stream more energy through your hands
- Secrets to increasing your energy levels through breath techniques
- The importance of the interview: Sharpening your listening and communication skills
- Contra indications and confidential interview form agreement and disclosure
- Quick ways to establish a deeper trust with recipient
- Techniques of how to adapt in working with different body styles
- Learning accurate pressure techniques and locations
- Addressing chronic pain patterns (even for temporary relief)
- Endangerment areas and techniques NOT to use
- Careful inclusion of the safety issues in the use of therapeutic grade essential oils
- Ways to assure you do not take on your recipient's tensions
- Equipment and supply recommendations addressing hygiene and safety issues
- Permission to have a follow through call (option) and importance of confidentiality plus note taking afterwards

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The School of Integrating Shiatsu Alaska

## **Hawaiian Mat Massage <sup>tm</sup> 60 Hour Certificate Syllabus**

### ***Advantages of Hawaiian Mat Massage <sup>tm</sup> techniques and course study:***

- 1) Working through the clothing (serving also a whole range of shy or extra heavy recipients)
  - 2) Using gravity for deeper penetration with primarily one's feet
  - 3) Addressing both sides of the body with equal pressure such as addressing the imbalances in the hips
  - 4) Able to find different angles with greater control using ones whole body support
  - 5) Strengthens the practitioner while also using stretching techniques throughout
  - 6) Versatile technique that can be used in so many different environments
- Qualities, health practices, and body strengthening of a practitioner to develop
  - Equipment considerations for additional confidence such as the 'Balance Bar' or cane
  - Preparation with the Ha Breath Meditation and the Pule (prayer of intention)
  - Contra indications and confidential special interview form to use for this method
  - Various anatomical chart references
  - Use of 'Rhythm, Flow and Focus' plus breath techniques to sustain one's energy
  - Learning accurate pressure techniques to use as well as angles through knowing the body's anatomy and accessing different body styles
  - Developing accurate strategies for different body styles, muscle and health conditions
  - Addressing fascia - in obtaining more flexibility and addressing limiting patterns
  - Overview of thumb and hand assisted techniques from the Kata Massage Series <sup>tm</sup>
  - Learning the Kata sequence for both back and front of the body using both the 'flow chart' of Kata Massage and the modification when primarily using one's feet
  - Modified versions of the Touch Plus You and Longevity Keys from the Kata Massage Series <sup>tm</sup> are incorporated throughout this study
  - Safety issues and benefits of the careful use of therapeutic grade essential oils
  - Suggested follow through for recipient, awareness of postural shifts and stretching
  - Gaining permission to have a follow through call and importance of confidentiality, plus note taking afterwards

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The School of Integrating Shiatsu Alaska

## ***Information sheet***

### **LEARN HAWAIIAN MAT MASSAGE tm**

Both energizing and effective – Secrets in use of gravity, breath, knowing angles that work for the greatest release. Save your career - start a career or simply learn a great 'people's massage' technique.

**HAWAIIAN HISTORY** Stepping on the body was used with different interpretations for thousands of years by the Polynesians. It is said that the term Lomi Lomi was also used for thousands of years and has its own unique signature. Lomi Lomi was popularized by Auntie Margaret in the late sixties on the Big Island around the same time stepping on the body was practiced by Kahuna Lapa'au Mornnah Simeona and practiced within her family. In 1969 this method was passed on to Mornnah's first apprentice, Tarika Lea at the Spa inside of the Royal Hawaiian Hotel on Oahu. Tarika continued from Hawaii grounding this method and finding that it well adopted to the longevity techniques she developed in her five decades of both teaching and her professional offerings in many states as well as Europe. Now after five decades of Tarika's dedication of teaching she is enthusiastic to continue sharing this highly effective method Hawaiian Mat Massage tm as well as find teachers to continue this rich Hawaiian traditional technique.

**DESCRIPTION** Exquisitely potent yet easy to learn each of her methods to include Kata Massage Series tm can be either a beginning point or added to an already established professional skill bank of massage techniques. Use of rhythm, flow and focus is the base of all of Tarika's effective longevity stress less techniques. Developing a greater understanding of the use of ones breath and channeling ones chi also referred to as the HA breath as well as efficient use of every move is the underpinning wisdoms to embrace and spill over to your entire approach to therapeutic bodywork.

**DETAILS** This method is given on a mat on the floor. This allows for movements that are not as effective, or even possible on a massage table. A specially designed simple 'balance bar' can be used or not depending on the abilities of the giver and can be ordered. The Hawaiian Mat Massage tm offers disciplined body mechanics taught as equal importance to the desired outcome for the recipient. The practice of full body movement and breath awareness will be also grounded with strengthening and stretching techniques throughout a session. As it benefits the person giving – it further benefits the recipient!

**BENEFITS** Not only will you benefit but your clients will be amazed how it can address such deep levels of pain release adding to greater mobility and circulation but also support them with trust in their ability to open to these new levels. Those who learn this method love its effortless whole body dance that can easily be tailored to the needs of their clients: large framed, athletic built and yes, even smaller more sensitive body types.

### *The School of Integrating Shatsu Alaska*

The first authorized in the state in 1992 emphasizing the rich philosophy and secrets of Tarika Lea's beloved kumu, Mornnah Simeona and infused with the wisdoms of also of the Asian influences as well as Tarika's extensive experience. Tarika Lea presently offers the essence of her years of dedication through hands-on continuing education classes. Students of these classes report that each of these classes has the fragrance of the islands ease and grace and the depth of support needed to skillfully and confidently bring awareness to a loving touch.

**Contact: Tarika Lea (907)978-7161 [www.learmethod.com](http://www.learmethod.com)**

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# Enhanced Foot and Hand Reflexology

## 18 Hour Certificate Syllabus

- 1) You will learn adapted Kata Massage longevity techniques to prevent fatigue and potential joint injury.
- 2) You will have a direct experience of therapeutic grade essential oils and taught their benefits and specific locations of application to enhance the reflexology session.
- 3) You will learn 'The Blessing'. An approach to working gently with a person's hands.
- 4) Included will be skills in anointing with the oils through anchoring and supporting the recipient's desired outcomes

*Also covered within this certificate offering:*

- 'Self Care First Massage Practices': Health practices and inspirations to get to 'overflow' authenticity, balanced and grounded.
- Equipment and supply recommendations also addressing hygiene and safety issues
- Preparation with the Ha Breath Meditation to stream more energy through your hands
- Contra indications and confidential interview form agreement and disclosure
- Various chart references
- Use of breath techniques to sustain one's energy and sensitivity
- Learn what feet and hands expose and responding without diagnosing or conclusions
- Be ever alert to anatomical distortions and techniques you can use to assist
- Learn accurate pressure techniques and locations
- Overview of thumb and hand assisted techniques from the Kata Massage Series tm
- Learn the Kata sequence of both of these reflexology classes and techniques
- Safety issues and benefits of the use of essential oils
- Permission to have a follow through call and importance of confidentiality plus note taking afterwards

# Administrative Business

## New Task List

# Applicant Requested Background Review

**From:** [REDACTED]  
[Dulebohn, Dawn L \(CED\)](#)  
**Subject:** Information Request  
**Date:** Thursday, January 31, 2019 1:43:30 PM

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I would like to make contact and get solid written confirmation with some of the information I've gathered from the past and also new information that I will be inquiring on after the ACC Dean, Jennifer Deitz - President & Founder has made contact with you and given me her feedback. According to my information from her you are out of the office till the 8th of February and I do not expect a response to this until after that date.

Verbally over the phone I confirmed with you in the past that if I wanted to open and apply for a licence on my own to find out whether or not my background would make me disqualified for a licence, you stated that if I had no education that my application would be denied strictly on this and the board would not consider my background or other information because it would be incomplete due to lack of educational requirements. I informed you that I had considered this option because a school representative had informed me that this was possible to do without being a student and then you verbally confirmed that I was misinformed. I request written confirmation of this now if it still hold to be true.

I will have more inquiries if the information has changed and there are possibilities if I open an application. These would be; Would you need a letter from the school of ACC that states that they would support me in schooling and continuing my education. Then also the process of getting a denial letter from the board because of background but then the protocols for taking my case to appeals and getting a probation with consent agreement. This is what I'm expecting due to the background information I've obtained with [Marilyn Zimmerman](#) in regards to the discipline actions taken with a number of individuals who applied for a licence. My case still has 2 different crimes against moral turpitude however I now believe without a doubt that I would qualify for a probation with consent agreement due to the facts that my severity was not as sever as other individuals that the board has granted. Also that from what I gathered only charges with prostitution and solicitation were denied while the majority and meaning all of the others were given a legal probation with consent agreement. This is the evidence that I have drawn my conclusion. But I would like to know more information on the process if I were to open an application without going to school to check on my background and find out if I qualify for probation with consent agreement. Then I would also need to know the deadlines and wait time of this process because I would need the boards approval letters and documents by a certain deadline if I wished to go to school this year by an enrollment date of the month of October. I am working with two different programs that also have requirements and deadlines that would financially support me in attending school and have a rough due date of sometime before July this year in May or June for there deliberation time of a month. I would need this to play a part if I would be considering going to school this year or if it is required that I attend this year. Otherwise if this can not be done then I would have to wait till a following year to attend school with an extension of time if the board were to grant me a probation with consent agreement, along with other continuing education requirements. I can not attend without the funding and support of these groups. This would have to be made clear in whatever agreement is made.

So in conclusion this will all revolve around what you and the Dean of ACC discuss and what type of requirements you will need from them as well. Then also if I have to have a set date to as when I will be attending school that also will have to revolve around funding times of my support groups and their deadlines and requirements of service. If this is hard to understand I hope we will be in contact with each other in the near future to discuss these issues in more detail.

Thank you for your time

M [REDACTED] c [REDACTED]  
[REDACTED]  
[REDACTED]

# Adoption of Proposed Regulations (Ended 2/18/2019)

Break

# Fitness to Practice Review

## Information and Documents



## **FITNESS TO PRACTICE REVIEW**

### **Considerations:**

This policy and procedure applies to all licensing programs requiring for licensure a criminal history standard unless otherwise codified in regulations prior to the effective date of this policy. Please refer to other policies and procedures for related topics on professional fitness.

“Fitness to practice” means the applicant has the skills, knowledge, and character to practice their profession safely and effectively. However, fitness to practice is not just about professional performance. It also includes acts by a licensee which may have an impact on public protection or confidence in the profession or the regulatory process.

Fitness to practice reviews are about protecting the public, not designed to punish applicants for past mistakes.

Sometimes people make mistakes that are unlikely to be repeated. This may mean that the applicant’s fitness to practice is unlikely to be impaired. People do make mistakes or have lapses in behavior. Our processes do not mean that we will pursue every isolated or minor lapse. Boards may adopt guidelines on what minor criminal convictions may be excluded from review.

Authority: AS 08.01.050, AS 08.01.070

### **Procedures:**

#### **A. Application and Notification**

1. A criminal conviction should be disclosed in the professional fitness answers on the application. Where applicable, a state or national criminal history background check may reveal criminal convictions. In these cases, staff must follow P&P-28 to ensure an investigator reviews the file prior to board review.
2. If the board elects not to issue the license, a Fitness to Practice Review will be scheduled with enough time to allow the applicant to provide supplementary documentation, yet it shall not be unreasonably delayed. The review shall be published in the next regular monthly meeting public notice as “consideration of license applications.”
3. The applicant shall be notified of the time, date, and location of the Fitness to Practice Review using the official notification letter. The letter explains the process and sets a deadline for the applicant to provide documentation in advance of the meeting for board review.

#### **B. Fitness to Practice Review**

1. The applicant shall be permitted to be present during the Fitness to Practice Review and may be interviewed by the board. All Fitness to Practice Reviews will occur in executive session unless the applicant waives their right to executive session by requesting the discussion take place on the record.

The board may invite staff or experts sufficient to assist in their deliberations.

2. The board shall seek consistency in the application of disciplinary sanctions and shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

3. The following factors will be applied by the board when analyzing an applicant's fitness to practice:

a. The specific duties and responsibilities necessarily related to the license sought or held by the person, including specific reference to sections of statute or regulations that define "scope of practice" or describe the duties of a licensee;

b. How the criminal offense or offenses for which the person was convicted affects or is reasonably likely to affect the person's ability to perform one or more duties or responsibilities required of a licensee;

c. How long it has been since the conviction;

d. Age of the person at the time of conviction;

e. Seriousness of the offense or offenses;

f. Circumstances of the offense or offenses;

g. Number of offenses;

h. Absence of misconduct since the conviction;

i. Candor and remorsefulness of the applicant before the board; INTERVIEW ASSESSMENT

j. Acceptance of responsibility for and renunciation of past misconduct;

k. Lack of malice and ill feeling toward those who disclosed the misconduct or initiated proceedings related to it; INTERVIEW ASSESSMENT

l. Demonstration of the productive use of one's time for the benefit of society, particularly in an occupation, community or civic service;

m. Restitution of funds or property, where applicable;

n. If substance abuse is at issue, evidence that the person has been sufficiently compliant with a treatment or management regimen that a return to abuse is unlikely.

o. Compliance with the conditions of any order applicable to the conviction;

p. Demonstration of a good reputation for professional ability, where applicable;

q. Personal assurances, supported by corroborating evidence, of an intention to conduct oneself

in an exemplary fashion in the future;

r. A letter from the applicant's probation/parole officer, if applicable, documenting compliance with their probation/parole. A copy of the final probation/parole report must also be included;

s. If the applicant's conviction resulted in any court ordered therapy, clinical evaluations, or counseling, a letter or report from the organization or individual who provided the evaluation, counseling or therapy is required. The letter or report should indicate if treatment is ongoing or if it has been completed and whether it was considered to have been successful. The letter should also indicate that the counselor/therapist believes that the applicant is suitable to perform the duties of the profession. An applicant may be requested to submit a similar letter even if therapy, counseling, or evaluation was not required by the court;

t. Any other relevant information, including information submitted by the applicant/licensee or requested by the board; and

u. The legitimate interest of the board/division and the safety and welfare of specific individuals or the public.

1. The board shall consider whether any concerns they may have about the applicant/licensee's performance or ability to practice competently and safely might be sufficiently addressed in a consent agreement. The board shall consider probation, supervision, remedial training, or other common terms of these agreements, when appropriate.

2. All denials must be issued in writing as soon as practicable after the decision to deny a license is made.

3. Denial letters must state the factual and legal reasons justifying the denial, including the reasons why the board believes the applicant is not fit to practice. The legal reasons should include reference to the specific statute or regulation and should state in plain terms what the person did to violate those provisions.

4 Unless the denial is to be permanent, denial letters should specify when the applicant may file a new application for licensure.

5. The applicant must be made aware of his or her appeal rights according to the Administrative Procedures Act in writing at the time of denial notification.

Please tell us about your circumstances?

Do you feel that your conviction effects... to practice

Do you feel you can practice safely.....competently

What changes have you made.... to prevent future convictions

Have you reviewed the code of ethics and standards of practice?

Do you feel you have the capability to adhere to the standards ..... practice as written

Dawn will provide standards code ethics... prior to interview

What support resources do you have in place that ensures no future offenses occur?

Are you aware of the licensing consequences of non-compliance with statutes and regs..

# Fitness to Practice Review

## Criminal Conviction on Initial Application



Subject		Unit(s)	PL #
<b>PROCEDURES FOR A FITNESS TO PRACTICE REVIEW: CRIMINAL CONVICTION ON INITIAL APPLICATION</b>		Professional Licensing & Investigations	<b>TBD</b>
Approvals	Signature	Date	Date Effective
Division Operations Manager	<b>DRAFT</b>		October 2018
Chief Investigator	<b>DRAFT</b>		
<b>Revisions:</b>			
<b>Considerations:</b>			
<p>This policy and procedure applies to all licensing programs requiring for licensure a criminal history standard unless otherwise codified in regulations prior to the effective date of this policy. Please refer to other policies and procedures for related topics on professional fitness.</p> <p>“Fitness to practice” means the applicant has the skills, knowledge, and character to practice their profession safely and effectively. However, fitness to practice is not just about professional performance. It also includes acts by a licensee which may have an impact on public protection or confidence in the profession or the regulatory process.</p> <p>Fitness to practice reviews are about protecting the public, not designed to punish applicants for past mistakes. Sometimes people make mistakes that are unlikely to be repeated. This may mean that the applicant’s fitness to practice is unlikely to be impaired. People do make mistakes or have lapses in behavior. Our processes do not mean that we will pursue every isolated or minor lapse. Boards may adopt guidelines on what minor criminal convictions may be excluded from review.</p> <p>Authority: AS 08.01.050, AS 08.01.070</p>			
<b>Procedures:</b>			
<b>A. Application and Notification</b>			
1.	A criminal conviction should be disclosed in the professional fitness answers on the application. Where applicable, a state or national criminal history background check may reveal criminal convictions. In these cases, staff must follow P&P-28 to ensure an investigator reviews the file prior to board review.		
2.	If the board elects not to issue the license, a Fitness to Practice Review will be scheduled with enough time to allow the applicant to provide supplementary documentation, yet it shall not be unreasonably delayed. The review shall be published in the next regular monthly meeting public notice as “consideration of license applications.”		

3.	The applicant shall be notified of the time, date, and location of the Fitness to Practice Review using the official notification letter. The letter explains the process and sets a deadline for the applicant to provide documentation in advance of the meeting for board review.
<b>B. Fitness to Practice Review</b>	
1.	The applicant shall be permitted to be present during the Fitness to Practice Review and may be interviewed by the board. All Fitness to Practice Reviews will occur in executive session unless the applicant waives their right to executive session by requesting the discussion take place on the record. The board may invite staff or experts sufficient to assist in their deliberations.
2.	The board shall seek consistency in the application of disciplinary sanctions and shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.
3.	<p>The following factors will be applied by the board when analyzing an applicant’s fitness to practice:</p> <ul style="list-style-type: none"> <li>a. The specific duties and responsibilities necessarily related to the license sought or held by the person, including specific reference to sections of statute or regulations that define “scope of practice” or describe the duties of a licensee;</li> <li>b. How the criminal offense or offenses for which the person was convicted affects or is reasonably likely to affect the person’s ability to perform one or more duties or responsibilities required of a licensee;</li> <li>c. How long it has been since the conviction;</li> <li>d. Age of the person at the time of conviction;</li> <li>e. Seriousness of the offense or offenses;</li> <li>f. Circumstances of the offense or offenses;</li> <li>g. Number of offenses;</li> <li>h. Absence of misconduct since the conviction;</li> <li>i. Candor and remorsefulness of the applicant before the board;</li> <li>j. Acceptance of responsibility for and renunciation of past misconduct;</li> <li>k. Lack of malice and ill feeling toward those who disclosed the misconduct or initiated proceedings related to it;</li> <li>l. Demonstration of the productive use of one's time for the benefit of society, particularly in an occupation, community or civic service;</li> <li>m. Restitution of funds or property, where applicable;</li> <li>n. If substance abuse is at issue, evidence that the person has been sufficiently compliant with a treatment or management regimen that a return to abuse is unlikely.</li> <li>o. Compliance with the conditions of any order applicable to the conviction;</li> <li>p. Demonstration of a good reputation for professional ability, where applicable;</li> </ul>

	<ul style="list-style-type: none"> <li>q. Personal assurances, supported by corroborating evidence, of an intention to conduct oneself in an exemplary fashion in the future;</li> <li>r. A letter from the applicant's probation/parole officer, if applicable, documenting compliance with their probation/parole. A copy of the final probation/parole report must also be included;</li> <li>s. If the applicant's conviction resulted in any court ordered therapy, clinical evaluations, or counseling, a letter or report from the organization or individual who provided the evaluation, counseling or therapy is required. The letter or report should indicate if treatment is ongoing or if it has been completed and whether it was considered to have been successful. The letter should also indicate that the counselor/therapist believes that the applicant is suitable to perform the duties of the profession. An applicant may be requested to submit a similar letter even if therapy, counseling, or evaluation was not required by the court;</li> <li>t. Any other relevant information, including information submitted by the applicant/licensee or requested by the board; and</li> <li>u. The legitimate interest of the board/division and the safety and welfare of specific individuals or the public.</li> </ul>
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**C. Determination**

1.	The board shall consider whether any concerns they may have about the applicant/licensee's performance or ability to practice competently and safely might be sufficiently addressed in a consent agreement. The board shall consider probation, supervision, remedial training, or other common terms of these agreements, when appropriate.
2.	All denials must be issued in writing as soon as practicable after the decision to deny a license is made.
3.	Denial letters must state the factual and legal reasons justifying the denial, including the reasons why the board believes the applicant is not fit to practice. The legal reasons should include reference to the specific statute or regulation and should state in plain terms what the person did to violate those provisions.
4	Unless the denial is to be permanent, denial letters should specify when the applicant may file a new application for licensure.
5.	The applicant must be made aware of his or her appeal rights according to the Administrative Procedures Act in writing at the time of denial notification.

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# Fitness to Practice Review

## Investigations FAQ's

## **MAS Board Probation Conditions FAQ**

**Can the Board of Massage Therapists impose specific probation conditions as part of a consent agreement which are not outlined explicitly in relevant Alaska Statute and Alaska Administrative Code?**

Yes. While AS 08.01.075(a)(7) only outlines specific authority to require “a licensee to report regularly to the board on matters related to the grounds for probation”, guidance received from Department of Law indicates that the Board is not explicitly limited by the Statute regarding what probation requirements it can impose. In addition, AS 08.61.060 gives the Board authority to impose disciplinary sanctions under AS 08.01.075 on licensees.

**Are there any practical limitations to what probation conditions can be imposed as part of a consent agreement?**

Yes. Probation conditions must be reasonably related to why the probation was imposed. For example, if probation is used as an enforcement action in response to a failure to meet continuing education or training requirements, it should involve requiring the licensee to prove completion of remedial classes but should not require the licensee to submit to drug tests.

In addition, probation conditions should not unreasonably impinge the probationary licensee’s ability to continue to work, or upon any other protected interest. In other words, probation requirements should not be overly burdensome or punitive, and should not effectively put the licensee out of business.

Based on all of this information, Department of Law has suggested that the Board proceed very carefully with instituting unannounced physical inspections as a part of probation conditions, as the inspection process may overly burdensome or punitive to licensees, in addition to the possibility of putting client privacy at risk.

**What probation conditions have other boards included as a part of probation?**

The Board of Nursing Regulations contain the following:

***12 AAC 44.730. TERMS OF PROBATION.***

*A licensee who is placed on probation will, in the board’s discretion, be subject to one or more of the following terms of probation, and to other relevant terms of probation including those set out in 12 AAC 44.740— 12 AAC 44.760:*

- (1) obey all the laws of the United States, State of Alaska, and all laws pertaining to the practice of nursing in this state;*

- (2) *fully comply with the probation program established by the board, and cooperate with representatives of the board;*
- (3) *notify the board in writing of the dates of departure and return if the licensee leaves Alaska to reside or practice outside the state;*
- (4) *report in person at meetings of the board of nursing, or to its designated representatives, during the period of probation, as directed by the board;*
- (5) *submit written reports and verification of actions as are required by the board during the period of probation;*
- (6) *if employed in nursing at any time during the period of probation, have the employer submit to the board verification that the employer understands the conditions of probation;*
- (7) *be employed as a nurse only in a setting in which full supervision is provided, and not personally function as a supervisor.*

The Medical Board Statutes contain the following:

***AS Sec. 08.64.331. Disciplinary sanctions.***

- (a) *If the board finds that a licensee has committed an act set out in AS 08.64.326(a), the board may*
- (5) *place a licensee on probationary status and require the licensee to*
    - (A) *report regularly to the board on matters involving the basis of probation;*
    - (B) *limit practice to those areas prescribed;*
    - (C) *continue professional education until a satisfactory degree of skill has been attained in those areas determined by the board to need improvement;*

Please see the attached consent agreement for specific examples of probation requirements imposed on a licensee by other Boards.

**Should the Board of Massage Therapists consider working to update AS 08.61 and/or 12 AAC 79 to include the specific probation conditions it would like to impose on a regular basis?**

The Department of Law provided the following guidance regarding this topic:

*It is always best to have these kinds of things in regulation. Whenever a board has a rule or policy that affects the rights and obligations of licensees, it should be in regulation. Until the board can accomplish this, it can enter into agreements with disciplined licensees as to the conditions of their probation. If the board does this, it should do so in very clear terms, in writing that is agreed to by the licensee. A consent agreement would do the trick. And the board must be careful to impose conditions of probation consistently – in other words, do not require something of one disciplined licensee in one set of circumstances and require something different of another in similar circumstances.*

State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7th Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Telephone 907-269-8160 Fax 907-269-8195

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD OF MASSAGE THERAPISTS  
5  
6

7 In the Matter of: )  
8 )  
9 )  
10 )  
11 Respondent )  
12 Case No. 2017-001159

13 CONSENT AGREEMENT

14  
15 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic  
16 Development, Division of Corporations, Business and Professional Licensing (Division) and  
17 (Respondent) as follows:

18 1) **Licensure.** Respondent is not currently licensed as a Massage Therapist in the State of  
19 Alaska. Respondent applied for permanent licensure as a Massage Therapist on June 6, 2017. His  
20 application was assigned number 124263.

21 2) **Admission/Jurisdiction.** Respondent admits and agrees the Board of Massage Therapists  
22 (Board) has jurisdiction over his application for licensure in Alaska, over any subsequent license  
23 issued as a result of his applying for licensure and over this Consent Agreement.

24 3) **Admission/Facts.** Respondent admits to the following:

- 25 a. On March 20, 2014, Respondent was convicted of Possession of Controlled Substance  
26 and was ordered to serve thirty-six (36) months of probation.
- 27 b. On June 6, 2017, Respondent submitted an application to practice massage therapy in the  
28 State of Alaska. On this application, Respondent answered "yes" to professional fitness  
29 question number (1) which asks "*Have you been convicted of a crime or are you*  
30 *currently charged with committing a crime? For purposes of this question, "crime"*  
31 *includes a misdemeanor, felony, or a military offense, including a conviction involving*  
32 *driving under the influence (DUI) or driving while intoxicated (DWI), driving without*  
33 *a license, reckless driving, or driving with a suspended or revoked license. "Convicted"*  
34 *includes having been found guilty by verdict of a judge or jury, having entered a plea of*  
35 *guilty, nolo contendere or no contest, or having been given probation, a suspended*

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*imposition of sentence, or a fine.*" Respondent disclosed he was convicted of *Possession of Controlled Substance* and provided court documentation pertaining to the conviction.

- c. On October 2, 2017, the Board of Massage Therapists reviewed Respondent's license application and voted to grant Respondent a conditional license upon acceptance of a Consent Agreement with a probation period to monitor his practice and conduct.
- d. Respondent admits that as a result of the above facts, grounds exist for denial of licensure as well as possible suspension, revocation, or other disciplinary sanctions of any license he may receive pursuant to AS 08.01.075, AS 08.61.030(9) and 12 AAC 79.910(10).

**4) Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide for the compromise and settlement of all issues addressed in Paragraph 3 (above), which could be raised by a Statement of Issues to deny licensure through a formal hearing process.

**5) Waiver of Rights.** Respondent understands he has the right to consult with an attorney of his own choosing and has a right to an administrative hearing on the facts in this case. Respondent understands and agrees that by signing this Consent Agreement, Respondent is waiving his rights to counsel and to a hearing. Further, Respondent understands and agrees that he is relieving the Division of any burden it has of proving the facts admitted above. Respondent further understands and agrees that by signing this Consent Agreement he is voluntarily and knowingly giving up his right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the Board's decision to Superior Court.

**6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that this Consent Agreement is subject to the approval of the Board. They agree that, if the Board rejects this agreement, it will be void, and a new or amended Statement of Issues may be filed. If this agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on the matters alleged in a Statement of Issues and the admissions contained herein will have no effect. Respondent agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that the Board is biased against his, that it cannot fairly decide the case, or that it has received *ex parte* communication.

**7) Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the authority to enter into this Consent Agreement and to issue the following Decision and Order.

UMK

1 **PROPOSED DECISION AND ORDER**

2 IT IS HEREBY ORDERED that upon the Board's approval of this Consent Agreement, a state  
3 license to practice massage therapy will be issued to the Respondent, and that license will be subject  
4 to the following terms and conditions:

5 **A. Duration of Probation**

6 Respondent's license will be on probation for four (4) years from the date of issuance. If  
7 Respondent fully complies with all of the terms and conditions of this license probation, the  
8 probationary period will end as conditioned under this Order. The four (4) year probationary period  
9 will not be reduced by the following periods:

- 10 (1) any absence from the state in excess of 30 continuous days.  
11 (2) any absence from the state in excess of 60 aggregate days in a single year.  
12 (3) any period during which Respondent is not a resident of the State of Alaska.  
13 (4) any period in which Respondent does not hold an active license in Alaska.

14 It will be Respondent's duty to inform the Board's agent in writing in advance of any  
15 absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

16 **B. Violation of Agreement**

17 If Respondent fails to comply with any term or condition of this Consent Agreement, the  
18 Division may enforce this agreement by immediately suspending Respondent's license, without an  
19 additional order from the Board or without a prior hearing, for a violation of this agreement. In  
20 addition, any suspended portion of the civil fine will be immediately due.

21 If Respondent's license is suspended under this paragraph, as provided above, he will be  
22 will be entitled to a hearing on an expedited basis, regarding the issue of the suspension. If  
23 Respondent's license is suspended, he will continue to be responsible for all license requirements  
24 pursuant to AS 08.61.

25 **C. Respondent Address**

26 It is the responsibility of the Respondent to keep the Board's agent advised, in writing, at  
27 all times of his current mailing address, physical address, telephone number, current employment  
28 and any change in employment.

29 Failure to provide notice of any changes within 10 calendar days will constitute grounds for  
30 suspension of his license in accordance with paragraph 'B' above.

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CONSENT AGREEMENT

2017-001159  
Page 3

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**D. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**E. Address of the Board**

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Attn: Probation Monitor  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
(907)269-8437 Fax (907) 269-8195

**F. Compliance with laws**

Respondent shall obey all local, state and federal laws governing his license.

- i) Respondent shall report to the probation monitor any criminal charges by a law enforcement agency within five (5) business days.
- ii) Respondent shall report to the probation monitor any criminal conviction within five (5) business days.

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UMK

1 IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect immediately  
2 upon its adoption by the Board and is a public record of the Board and the State of Alaska. The  
3 State may provide a copy of it to any person or entity, professional licensing board, federal, state,  
4 or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the National  
6 Practitioner Data Bank, and other entities as required by law.

7  
8 DATED this 8 day of November, 2017 at Anchorage, Alaska.

9  
10 CHRIS HLADICK, COMMISSIONER

11  
12  
13 By: G. A. Francois

14 Greg Francois, Acting Chief Investigator for  
15 Janey Hovenden, Director  
16 Division of Corporations, Business and  
17 Professional Licensing

18  
19 I                      have read the Consent Agreement, understand it, and agree to be bound  
20 by its terms and conditions.

21  
22 11/9/2017  
23 Date \_\_\_\_\_

24  
25  
26 SUBSCRIBED AND SWORN TO before me this 9th day of  
27 NOVEMBER, 2017, at DILLINGHAM, Alaska.

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30 SEAL

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32 **State of Alaska**  
33 **NOTARY PUBLIC**  
34 **Donette F. Heyano**  
35 My Commission Expires Oct. 5, 2021

36 Donette F. Heyano  
37 Notary Public in and for Alaska.

DONETTE F. HEYANO  
Notary Printed Name

My commission expires: Oct 5 2021



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STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
BEFORE THE ALASKA STATE MEDICAL BOARD

In the Matter of: )  
)  
)  
)  
)  
Respondent )  
Case Nos. 2014-000153 and 2017-000119

CONSENT AGREEMENT

IT IS HEREBY AGREED by the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing (Division) and (Respondent) as follows:

- 1) **Licensure.** Respondent is currently licensed as a Physician in the State of Alaska and holds License number, MEDS6271. This license was first issued on January 29, 2008, was suspended on May 5, 2016 by the Division, and will lapse, unless renewed, on December 31, 2018.
- 2) **Admission/Jurisdiction.** Respondent admits and agrees that the Alaska State Medical Board ("Board") has jurisdiction over the subject matter of his license in Alaska and over this Consent Agreement.
- 3) **Admission/Facts.** Respondent admits to the following facts:
  - a) On May 12, 2011, the Alaska State Medical Board adopted a Non-Disciplinary Consent Agreement with Respondent due to the ongoing treatment of alcoholism. The Consent Agreement included probation for three (3) years, urinalysis testing, and a directive the respondent abstain from consuming alcohol.
  - b) On October 6, 2011, Respondent contacted his counselor and the Division to report he consumed two shots of vodka. Respondent provided "Fit-to-Practice" letters from his counselor and returned to employment under the terms of his 2011 Consent Agreement.
  - c) On November 9, 2012, Respondent was arrested for Operating Under the Influence (OUI) with a BAC of .216. Respondent pled "No Contest" to the charges. Respondent

- 1 did not report this arrest and conviction to the Board as required under 12 AAC  
2 40.967(26)(A).
- 3 d) On December 10, 2012, Respondent knowingly failed to disclose the OUI conviction  
4 on his Medical License Renewal Application, a violation of AS 08.64.326(a)(1).
- 5 e) On May 2, 2013 and May 3, 2013, Respondent did not complete daily check-ins for  
6 urinalysis, as required by his Consent Agreement. Subsequently, Respondent missed a  
7 scheduled urinalysis (UA).
- 8 f) On July 18, 2013, the Board suspended Respondent's medical license, for violations of  
9 AS 08.64.326(a)(7) and 12 AAC 40.967(23), until he completed an alcohol abuse  
10 reevaluation by a Board approved facility.
- 11 g) On November 12, 2013, Respondent did not complete a daily check-in for urinalysis, as  
12 required by his Consent Agreement. Respondent asserted he had jury duty, and  
13 provided a urinalysis a day late, on November 13, 2013 and tested positive for alcohol.
- 14 h) On November 16, 2013, Respondent wrote a letter addressed to the Board asserting he  
15 consumed alcohol contained in a bottle of vanilla extract on November 10, 2013.
- 16 i) On January 9, 2014, the Board adopted a Consent Agreement with the Respondent due  
17 to the violation of a Board Order and failure to disclose criminal history on his renewal  
18 application. The Consent Agreement included probation for ten (10) years, \$10,000 fine  
19 with \$8,000 suspended, and alcohol monitoring requirements.
- 20 j) On March 2, 2015, April 23, 2015, September 4, 2015, and November 6, 2015 the  
21 Respondent missed urinalysis tests. The Division issued non-compliance letters for the  
22 missing UA(s).
- 23 k) On July 2, 2015, February 17, 2016, and March 3, 2016, the Respondent tested positive  
24 for alcohol.
- 25 l) On March 8, 2016, Respondent asserted he was ill and consumed Nyquil, which is why  
26 he tested positive for alcohol.
- 27 m) On March 17, 2016, Respondent asserted he was dealing with a difficult project for his  
28 grief support group and relapsed on two occasions, February 16, 2016, and March 1,  
29 2016, by consuming a half pint of vodka. Respondent asserted he did not report the  
30 relapse to anyone until he was notified of his positive UA.

- 1 n) On May 5, 2016, the Division suspended the Respondent's medical license for failure to  
2 comply with an order of the Board, by failing to adhere to the terms of his 2012 Consent  
3 Agreement, a violation of AS 08.64.326(a)(7) and 12 AAC 40.967(23).  
4 o) On October 20, 2016, Respondent submitted a letter of request asking the Board to lift  
5 the suspension of his medical license.  
6 p) On November 3, 2016, the Board denied the Respondent's request to lift the suspension  
7 of his medical license. The Board indicated the Respondent failed to satisfy the  
8 recommended period of suspension at the time of this request.  
9 q) On January 24, 2017, Respondent submitted a second letter asking the Board to lift the  
10 suspension of his physician license.  
11 r) On February 5, 2017, the Alaska State Medical Board resolved to allow the Respondent  
12 to return to practice in May 2017, provided he enter into a Consent Agreement with the  
13 Division with monitoring terms acceptable to the Board to protect public safety.  
14 s) Respondent admits that as a result of the above facts, grounds exist for possible  
15 suspension, revocation, or other disciplinary sanctions of his license pursuant to AS  
16 08.01.075, AS 08.64.326(a)(1&7), AS 08.64.331, 12 AAC 40.967(23), 12 AAC  
17 40.967(26)(A), and 12 AAC 40.967(18)(B).  
18 4) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to  
19 provide for the compromise and settlement of all issues addressed in Paragraph 3 (above)  
20 that could be raised by an Accusation to revoke, suspend, or impose disciplinary sanctions  
21 against Respondent's license through a formal hearing process.  
22 5) **Waiver of Rights.** Respondent understands he has the right to consult with an attorney of  
23 his own choosing and has a right to an administrative hearing on the facts in this case.  
24 Respondent understands and agrees that by signing this Consent Agreement, Respondent is  
25 waiving his rights to counsel and to a hearing. Further, Respondent understands and agrees  
26 that he is relieving the Division of any burden it has of proving the facts admitted above.  
27 Respondent further understands and agrees that by signing this Consent Agreement he is  
28 voluntarily and knowingly giving up his right to present oral and documentary evidence, to  
29 present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the  
30 Board's decision to Superior Court.

1 6) **Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree  
2 that this Consent Agreement is subject to the approval of the Board. They agree that, if the  
3 Board rejects this Consent Agreement, it will be void, and an Accusation may be filed. If  
4 this Consent Agreement is rejected by the Board, it will not constitute a waiver of  
5 Respondent's right to a hearing on the matters alleged in an Accusation and the admissions  
6 contained herein will have no effect. Respondent agrees that, if the Board rejects this  
7 Consent Agreement, the Board may decide the matter after a hearing, and its consideration  
8 of this Consent Agreement shall not alone be grounds for claiming that the Board is biased  
9 against Respondent, that it cannot fairly decide the case, or that it has received ex parte  
10 communication.

11 7) **Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the  
12 authority to enter into this Consent Agreement and to issue the following Decision and  
13 Order.

#### 14 PROPOSED DECISION AND ORDER

15  
16 IT IS HEREBY ORDERED that the license issued to Respondent is under probation. This  
17 license shall be subject to the following terms and conditions of license probation.

##### 18 **A. Duration of Probation**

19 Respondent's license shall be on probation for ten (10) years from the effective date of  
20 this Order. If Respondent fully complies with all of the terms and conditions of this license  
21 probation, the probationary period will end as conditioned under this Order. The ten (10) year  
22 probationary period will not be reduced by the following periods:

- 23 (1) any absence from the state in excess of 30 continuous days.
- 24 (2) any absence from the state in excess of 60 aggregate days in a single year.
- 25 (3) any period during which Respondent is not a resident of the State of Alaska.
- 26 (4) any period in which Respondent does not hold an active license in Alaska.
- 27 (5) any period in which Respondent's license is suspended.

28 It will be Respondent's duty to inform the Probation Monitor in writing in advance of  
29 any absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

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**B. Violation of Agreement**

If Respondent fails to comply with any term or condition of this Consent Agreement, the Division may enforce this agreement by immediately suspending Respondent’s license, without an additional order from the Board or without a prior hearing, for a violation of this agreement. In addition, any suspended portion of the civil fine will be immediately due.

If Respondent’s license is suspended under this paragraph, as provided above, he will be entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If Respondent’s license is suspended, he will continue to be responsible for all license requirements pursuant to AS 08.64.

**C. Respondent Address**

It is the responsibility of the Respondent to keep the Probation Monitor advised, in writing, at all times of his current mailing address, physical address, email address, telephone number, current employment and any change in employment.

Failure to provide notice of any changes within ten (10) calendar days will constitute grounds for suspension of his license in accordance with paragraph ‘B’ above.

**D. Compliance with Laws**

Respondent shall obey all Federal laws and State statutes and regulations governing his license, or relating to his fitness to practice.

**E. Authorization**

Within ten (10) calendar days of a request by the Board’s agent, Respondent will sign all authorizations necessary for the release of information required by this Consent Agreement.

**F. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**G. Address of the Board**

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Attn: Probation Monitor  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567

1 (907)269-8160 Fax (907) 269-8195

2 **H. Absence from Community of Residence**

3 While under license probation, Respondent shall notify the Probation Monitor in writing  
4 in advance of each and every expected absence from community of residence in excess of  
5 seven (7) days. Absences from the State of Alaska must be reported pursuant to Paragraph 'A'.

6 **I. Periodic Interview with the Board**

7 While under license probation and upon the request of the Board, or its agent,  
8 Respondent shall report in person to the Board, or its agent, to allow a review of his compliance  
9 with this probation. Respondent shall be excused from attending any interview only at the  
10 discretion of the person requesting the interview.

11 **J. Civil Fine**

12 Respondent shall pay a fine of ten thousand dollars (\$10,000.00), with ten thousand  
13 dollars (\$10,000.00) suspended. Respondent shall remain compliant with the entire Consent  
14 Agreement or the suspended portion shall be due immediately.

15 **K. Psychotherapy Counseling**

16 Respondent shall be required to undergo psychiatric and/or psychological therapy with  
17 a psychiatrist, psychologist, or counselor licensed in the State of Alaska, approved by the Board  
18 or its agent, and provided with a copy of this Consent Agreement.

19 The Board may consider releasing Respondent from the therapy requirement upon  
20 receipt of a written statement from Respondent's therapist that his rehabilitation has progressed  
21 to the point that continued therapy is no longer necessary to assist in maintaining a drug-free  
22 and sober lifestyle. However, the Board will not release Respondent from the therapy  
23 requirement until satisfied that doing so is consistent with the public interest.

24 Respondent's therapist shall submit reports to his probation monitor on a quarterly  
25 basis, as specified in paragraph L, indicating that:

- 26 (1) Respondent is continuing in therapy as required by his therapist; and  
27 (2) Respondent does not pose a danger to the public, Respondent's patients, or  
28 Respondent. **All costs are the responsibility of the Respondent.**

1           **L. Quarterly Reports**

2           Quarterly reports are due for each year of probation and the entire length of probation as  
3 follows:

<u>Period Covered</u>	<u>Due Date(s)</u>
January 1 - March 31	between April 1 and April 7
April 1 - June 30	between July 1 and July 7
July 1 - September 30	between October 1 and October 7
October 1- December 31	between January 1 and January 7

9           Failure to submit complete and timely reports shall constitute a violation of probation.

10           **M. Consume No Alcohol or Controlled Drugs**

11           While under license probation, Respondent shall consume no alcohol or controlled  
12 drugs whatsoever, including foods, medicines, and other substances containing controlled drugs  
13 or alcohol. However, if Respondent is hospitalized and receiving inpatient care, or is receiving  
14 outpatient care for a medical/dental condition that cannot be adequately treated without  
15 medicines containing controlled drugs, Respondent must inform his treating health care  
16 provider of his history of alcohol use. Respondent may then take drugs on his health care  
17 provider's written prescription, in the prescribed dosage for the prescribed duration, and for the  
18 prescribed purpose. The Board's agent will be notified of any prescription for controlled drugs  
19 at the time Respondent's receives it, and a copy of the prescription will be promptly sent to the  
20 Division. Further, Respondent shall not self-medicate with any other prescription drug. If a  
21 condition exists which requires the use of such a drug, it must be prescribed by Respondent's  
22 health care provider. **All costs are the responsibility of the Respondent.**

23           **N. AA Meetings**

24           While under license probation, Respondent shall attend at least three (3) Alcoholics  
25 Anonymous (AA) meetings per week. Respondent shall keep a calendar or other record  
26 indicating the dates of attendance at such meetings and shall obtain the signature or initials of  
27 the leader of each meeting verifying Respondent's attendance at the meetings.

28           Such records shall be presented by Respondent to the Probation Monitor upon request.  
29 Respondent must also obtain a sponsor and within 10 calendar days disclose the sponsor's  
30 name to the Probation Monitor.

1           **O. Health Care Provider Support Group**

2           Respondent shall participate regularly in the Alaska Physician Health Program. The  
3 program will submit quarterly evidence, as specified in Paragraph L, of participation in the  
4 group. **All costs of compliance with this paragraph are the responsibility of the**  
5 **Respondent.**

6           **P. Self-Evaluation Report**

7           While under license probation, Respondent shall submit quarterly reports, as specified  
8 in paragraph L, to the Probation Monitor regarding his method of handling stress, mental and  
9 physical health, professional responsibilities and activities, and personal activities.

10           **Q. Drug Tests**

11           While under license probation, Respondent shall submit to random substance testing  
12 (urinalysis, blood, breath, and/or hair tests), as may be ordered by the Board or Board's agent.  
13 All urinalysis shall be provided in a controlled (witnessed) setting, and shall be subjected to a  
14 comprehensive screening for drugs and alcohol. The test method is at the discretion of the  
15 Division.

16           Respondent must obtain the random screening test no later than 2 hours after being  
17 instructed to do so. Failure to respond as instructed is a violation of this Consent Agreement.  
18 If Respondent is not able to provide the relevant samples within the 2 hours, Respondent will  
19 immediately notify the Board's agent, and has the burden of showing why compliance was not  
20 possible. **All costs are the responsibility of the Respondent.**

21           **R. Breathalyzer**

22           While under license probation, Respondent shall submit to breathalyzer tests as ordered  
23 by the Board or the Board's agent. The breathalyzer test is administered at the discretion of the  
24 Division. Respondent shall submit to a breathalyzer test before the start of each work shift and  
25 again midway through the same work shift. The Respondent shall maintain a log within  
26 SoberLink of the breathalyzer results and present the log for inspection upon request or sign  
27 releases allowing the Division to access the results.

28           Failure to perform a breathalyzer test as instructed by the Division is a violation of this  
29 Consent Agreement. If Respondent is not able to provide a breathalyzer as instructed,



1 Respondent will immediately notify the Board's agent, and has the burden of showing why  
2 compliance was not possible. **All costs are the responsibility of the Respondent.**

3 **S. Personal Health Care Provider**

4 While under license probation, Respondent shall be under the care of a health care  
5 provider licensed in Alaska, identified to, and approved by the Board. The health care provider  
6 shall be provided with a copy of this Consent Agreement. Within 10 calendar days,  
7 Respondent shall advise the Probation Monitor in writing of any change of Respondent's health  
8 care providers. Respondent may not receive medical care from his spouse, significant other,  
9 family members and relatives, or associates.

10 Respondent will also obtain a primary pharmacist, who must be licensed and practicing  
11 in the State of Alaska, and subject to prior approval by the Board.

12 Respondent shall have all prescriptions filled by his primary pharmacist with the  
13 exception of emergencies, which will promptly be reported to the Probation Monitor.

14 All costs are the responsibility of the Respondent.

15 **T. Restriction on Remote Employment**

16 While under license probation, Respondent shall work only in communities that have  
17 adequate facilities for Respondent to comply with the urinalysis, blood, and breath tests, and  
18 other requirements as set forth in this Consent Agreement.

19 Respondent shall give the Probation Monitor prior written notice of each change of  
20 employment or residence within ten (10) calendar days of occurrence.

21 **U. Employer Reports**

22 Within ten (10) calendar days of the effective date of this Consent Agreement, and for  
23 the duration of probation, Respondent must provide his employer with a copy of the Consent  
24 Agreement and understands that the Probation Monitor will be free to discuss with  
25 Respondent's employer the subject matter of this Consent Agreement.

26 Respondent's supervisor shall report quarterly to the Probation Monitor as to Respondent's  
27 employment performance and attendance. The report shall include a statement of whether  
28 Respondent is suspected of violating any condition of this license probation.

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**V. Hospital Privileges**

Within ten (10) calendar days of the effective date of this Consent Agreement, Respondent shall notify the Chief of Staff and Administrator of any hospital in which Respondent has privileges of the terms of his probation, provide them a copy of this Consent Agreement, and shall cause reports of Respondent's progress and performance to be submitted to the Board on a quarterly basis, unless ordered to do otherwise by the Board.

**W. Reprimand**

It is hereby ordered that a public reprimand be issued against licensee, for failure to comply with the terms of his 2012 Consent Agreement, an order of the Alaska State Medical Board, by consuming alcohol and missing urinalysis tests, which constitutes violations of AS 08.64, listed above.

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1 IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect  
2 immediately upon its adoption by the Board and is a public record of the Board and the State of  
3 Alaska. The State may provide a copy of it to any person or entity, professional licensing  
4 board, federal, state, or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the  
6 Federation of State Medical Boards, the National Practitioner Data Bank, and other entities as  
7 required by law.

8  
9 DATED this 23rd day of MARCH 2017, at Anchorage, Alaska.

10 CHRIS W. HLADICK, COMMISSIONER

11  
12  
13  
14 By: [Signature]  
15 Angela G. Birt, Chief Investigator for  
16 Janey L. Hovenden, Director  
17 Division of Corporations, Business and  
18 Professional Licensing

19  
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21  
22 AMK

23 I, \_\_\_\_\_ have read the Consent Agreement, understand it, and agree to be  
24 bound by its terms and conditions.

25  
26 DATED: 3/24/2017

27 SUBSCRIBED AND SWORN TO before me this 24th day of  
march, 2017, at Eagle River, Alaska.



36  
T. Modisett  
Notary Public in and for Alaska.

T. Modisett  
Notary Printed Name  
My commission expires: 08/08/2018

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD OF MASSAGE THERAPISTS  
5

6  
7 In the Matter of: )  
8 )  
9 )  
10 )  
11 Respondent )  
12 Case No. 2017-000094

13 CONSENT AGREEMENT

14  
15 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic  
16 Development, Division of Corporations, Business and Professional Licensing (Division) and  
17 (Respondent) as follows:

18 1) **Licensure.** Respondent is not currently licensed as a Massage Therapist in the State of  
19 Alaska. Respondent applied for permanent licensure as a Massage Therapist on October 7, 2016.  
20 Her application was assigned number 116576.

21 2) **Admission/Jurisdiction.** Respondent admits and agrees the Board of Massage Therapists  
22 (Board) has jurisdiction over her application for licensure in Alaska, over any subsequent license  
23 issued as a result of her applying for licensure and over this Consent Agreement.

24 3) **Admission/Facts.** Respondent admits to the following:

- 25 a. On August 9, 2016, Respondent was convicted of *Interstate Domestic Violence Felony*  
26 in Boise, Idaho.
- 27 b. On October 7, 2016, Respondent submitted an application to practice massage therapy in  
28 the State of Alaska. On this application, Respondent answered "yes" to professional  
29 fitness question number (1) which asks "*Have you been convicted of a crime or are you*  
30 *currently charged with committing a crime? For purposes of this question, "crime"*  
31 *includes a misdemeanor, felony, or a military offense, including a conviction involving*  
32 *driving under the influence (DUI) or driving while intoxicated (DWI), driving without*  
33 *a license, reckless driving, or driving with a suspended or revoked license. "Convicted"*  
34 *includes having been found guilty by verdict of a judge or jury, having entered a plea of*  
35 *guilty, nolo contendere or no contest, or having been given probation, a suspended*

CONSENT  
AGREEMENT

2017-00094  
Page 1

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*imposition of sentence, or a fine.*" Respondent disclosed she was convicted of *Interstate Domestic Violence Felony* and provided court documentation pertaining to the conviction.

c. Respondent admits that as a result of the above facts, grounds exist for denial of licensure as well as possible suspension, revocation, or other disciplinary sanctions of any license she may receive pursuant to AS 08.01.075, AS 08.61.030(9) and 12 AAC 79.910.

**4) Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide for the compromise and settlement of all issues addressed in Paragraph 3 (above), which could be raised by a Statement of Issues to deny licensure through a formal hearing process.

**5) Waiver of Rights.** Respondent understands she has the right to consult with an attorney of her own choosing and has a right to an administrative hearing on the facts in this case. Respondent understands and agrees that by signing this Consent Agreement, Respondent is waiving her rights to counsel and to a hearing. Further, Respondent understands and agrees that she is relieving the Division of any burden it has of proving the facts admitted above. Respondent further understands and agrees that by signing this Consent Agreement she is voluntarily and knowingly giving up her right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the Board's decision to Superior Court.

**6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that this Consent Agreement is subject to the approval of the Board. They agree that, if the Board rejects this agreement, it will be void, and a new or amended Statement of Issues may be filed. If this agreement is rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on the matters alleged in a Statement of Issues and the admissions contained herein will have no effect. Respondent agrees that, if the Board rejects this agreement, the Board may decide the matter after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that the Board is biased against her, that it cannot fairly decide the case, or that it has received ex parte communication.

**7) Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the authority to enter into this Consent Agreement and to issue the following Decision and Order.

//

**PROPOSED DECISION AND ORDER**

IT IS HEREBY ORDERED that upon the Board's approval of this Consent Agreement, a state license to practice massage therapy will be issued to the Respondent, and that license will be subject to the following terms and conditions:

**A. Duration of Probation**

Respondent's license will be on probation for four (4) years from the date of issuance. If Respondent fully complies with all of the terms and conditions of this license probation, the probationary period will end as conditioned under this Order. The four (4) year probationary period will not be reduced by the following periods:

- (1) any absence from the state in excess of 30 continuous days.
- (2) any absence from the state in excess of 60 aggregate days in a single year.
- (3) any period during which Respondent is not a resident of the State of Alaska.
- (4) any period in which Respondent does not hold an active license in Alaska.

It will be Respondent's duty to inform the Board's agent in writing in advance of any absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

**B. Violation of Agreement**

If Respondent fails to comply with any term or condition of this Consent Agreement, the Division may enforce this agreement by immediately suspending Respondent's license, without an additional order from the Board or without a prior hearing, for a violation of this agreement. In addition, any suspended portion of the civil fine will be immediately due.

If Respondent's license is suspended under this paragraph, as provided above, she will be entitled to a hearing on an expedited basis, regarding the issue of the suspension. If Respondent's license is suspended, she will continue to be responsible for all license requirements pursuant to AS 08.61.

**C. Respondent Address**

It is the responsibility of the Respondent to keep the Board's agent advised, in writing, at all times of her current mailing address, physical address, telephone number, current employment and any change in employment.

Failure to provide notice of any changes within 10 calendar days will constitute grounds for suspension of her license in accordance with paragraph 'B' above.

State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Telephone 907-269-8160 Fax 907-269-8195

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**D. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**E. Address of the Board**

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Attn: Probation Monitor  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
(907)269-8437 Fax (907) 269-8195

**F. Compliance with laws**

Respondent shall obey all local, state and federal laws governing her license.

- i) Respondent shall report to the probation monitor any criminal charges by a law enforcement agency within five (5) business days.
- ii) Respondent shall report to the probation monitor any criminal conviction within five (5) business days.

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CONSENT  
AGREEMENT

2017-00011  
Page 4

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367 

State of Alaska  
Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 West 7th Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Telephone 907-269-8160 Fax 907-269-8195

1 IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect immediately  
2 upon its adoption by the Board and is a public record of the Board and the State of Alaska. The  
3 State may provide a copy of it to any person or entity, professional licensing board, federal, state,  
4 or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the National  
6 Practitioner Data Bank, and other entities as required by law.

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2017 at Anchorage, Alaska.

CHRIS HLADICK, COMMISSIONER

AMK

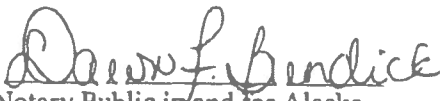
By: \_\_\_\_\_  
Greg Francois, Acting Chief Investigator for  
Janey Hovenden, Director  
Division of Corporations, Business and  
Professional Licensing

I, , have read the Consent Agreement, understand it, and agree to be bound  
by its terms and conditions.

11/9/17  
Date

SUBSCRIBED AND SWORN TO before me this 9<sup>th</sup> day of  
November, 2017, at Anchorage, Alaska.

SEAL

  
Notary Public in and for Alaska.

Dawn E. Burdick  
Notary Printed Name

My commission expires: w/ offer

CONSENT  
AGREEMENT  
PRJ7-90094





1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD OF MASSAGE THERAPISTS  
5  
6

7 In the Matter of: )  
8 )  
9 )  
10 )  
11 Respondent )  
12 Case No. 2017-000811

13 CONSENT AGREEMENT

14 IT IS HEREBY AGREED by the Department of Commerce, Community and  
15 Economic Development, Division of Corporations, Business and Professional Licensing  
16 (Division) and (Respondent) as follows:  
17 J.

18 1) **Licensure.** Respondent is currently licensed as a Massage Therapist in the State of Alaska  
19 and holds license number 101576. This license was first issued on May 27, 2016 and will expire  
20 unless renewed by September 30, 2019.

21 2) **Admission/Jurisdiction.** Respondent admits and agrees the Board of Massage Therapists  
22 (Board) has jurisdiction over her licensure in Alaska and over this Consent Agreement.

23 3) **Admission/Facts.** Respondent admits to the following:

24 a) On September 27, 1994, Respondent was convicted of Driving While Intoxicated in  
25 Sitka, Alaska under Alaska Court 1SI-94-00341CR .

26 b) On September 1, 2005, Respondent was convicted of Driving Under the Influence in  
27 Sitka, Alaska under Alaska Court #1SI-05-237CR .

28 c) On August 2, 2017, Respondent was convicted of Driving Under the Influence in Sitka,  
29 Alaska under Alaska Court #1SI-17-00094CR.

30 d) On August 8, 2017, Respondent submitted a renewal application to continue practicing  
31 as a massage therapist in the State of Alaska. On this application, answered "yes" to professional  
32 fitness question number two (2) which asks "Since the date of your last Alaska massage therapist  
33 license application, have you been convicted of a crime or are you currently charged with  
34 committing a crime? For purposes of this question, "crime" includes a misdemeanor, felony, or a  
35 military offense, including but not limited to a conviction involving driving under the influence

CONSENT AGREEMENT

2017-000811  
Page 1

1 (DUI) or driving while intoxicated (DWI), driving without a license, reckless driving, or driving  
2 with a suspended or revoked license. "Convicted" includes having been found guilty by verdict of  
3 a judge or jury, having entered a plea of guilty, nolo contendere or no contest, or having been  
4 given probation, a suspended imposition of sentence, or a fine.

5 e) Respondent properly disclosed the above listed criminal convictions and provided court  
6 documentation pertaining to the convictions.

7 f) Respondent admits that as a result of the above facts, grounds exist for possible  
8 suspension, revocation, or other disciplinary sanctions of any license she received pursuant to AS  
9 08.01.075, AS 08.61.060(7).

10 4) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide  
11 for the compromise and settlement of all issues addressed in Paragraph 3 (above), which could be  
12 raised by an Accusation to revoke, suspend, or impose disciplinary sanctions against Respondent's  
13 license through a formal hearing process.

14 5) **Waiver of Rights.** Respondent understands she has the right to consult with an attorney of  
15 her own choosing and has a right to an administrative hearing on the facts in this case. Respondent  
16 understands and agrees that by signing this Consent Agreement, Respondent is waiving her rights  
17 to counsel and to a hearing. Further, Respondent understands and agrees that she is relieving the  
18 Division of any burden it has of proving the facts admitted above. Respondent further understands  
19 and agrees that by signing this Consent Agreement she is voluntarily and knowingly giving up her  
20 right to present oral and documentary evidence, to present rebuttal evidence, to cross-examine  
21 witnesses against Respondent, and to appeal the Board's decision to Superior Court.

22 6) **Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that  
23 this Consent Agreement is subject to the approval of the Board. They agree that, if the Board rejects  
24 this agreement, it will be void, and an Accusation against her license may be filed. If this agreement  
25 is rejected by the Board, it will not constitute a waiver of Respondent's right to a hearing on the  
26 matters alleged in an Accusation and the admissions contained herein will have no  
27 effect. Respondent agrees that, if the Board rejects this agreement, the Board may decide the matter  
28 after a hearing, and its consideration of this agreement shall not alone be grounds for claiming that  
29 the Board is biased against her, that it cannot fairly decide the case, or that it has received ex parte  
30 communication.

CONSENT AGREEMENT

2017-000811  
Page 2

1 7) **Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the  
2 authority to enter into this Consent Agreement and to issue the following Decision and Order.

3 **PROPOSED DECISION AND ORDER**

4  
5 IT IS HEREBY ORDERED that upon the Board's approval of this Consent Agreement, the  
6 Massage Therapist license issued to Respondent shall be subject to the following terms and  
7 conditions:

8 **A. Duration of Probation**

9 Respondent's license shall be on probation for four (4) years from the effective date of this  
10 order. If Respondent fully complies with all of the terms and conditions of this license probation,  
11 the probationary period will end as conditioned under this Order. The four (4) year probationary  
12 period will not be reduced by the following periods:

- 13 (1) any absence from the state in excess of 30 continuous days.  
14 (2) any absence from the state in excess of 60 aggregate days in a single year.  
15 (3) any period during which Respondent is not a resident of the State of Alaska.  
16 (4) any period in which Respondent does not hold an active license in Alaska.

17 It will be Respondent's duty to inform the Board's agent in writing in advance of any  
18 absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

19 **B. Violation of Agreement**

20 If Respondent fails to comply with any term or condition of this Consent Agreement, the  
21 Division may enforce this agreement by immediately suspending Respondent's license, without an  
22 additional order from the Board or without a prior hearing, for a violation of this agreement. In  
23 addition, any suspended portion of the civil fine will be immediately due.

24 If Respondent's license is suspended under this paragraph, as provided above, she will be  
25 entitled to a hearing on an expedited basis, regarding the issue of the suspension. If Respondent's  
26 license is suspended, she will continue to be responsible for all license requirements pursuant to AS  
27 08.61.

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**C. Respondent Address**

It is the responsibility of the Respondent to keep the Board's agent advised, in writing, at all times of her current mailing address, physical address, telephone number, current employment and any change in employment.

Failure to provide notice of any changes within 10 calendar days will constitute grounds for suspension of her license in accordance with paragraph 'B' above.

**D. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**E. Address of the Board**

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Attn: Probation Monitor  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
(907)269-8437 Fax (907) 269-8195

**F. Periodic Interview with the Board**

While under license probation and upon the request of the Board or its agent, Respondent shall report in person to the Board or its agent to allow a review of her compliance with this probation. Respondent shall be excused from attending any interview only at the discretion of the person requesting the interview.

**G. Compliance with laws**

Respondent shall obey all local, state and federal laws governing her license.

- i) Respondent shall report to the probation monitor any criminal charges by a law enforcement agency within five (5) business days.
- ii) Respondent shall report to the probation monitor any criminal conviction within five (5) business days.


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//

1 IT IS HEREBY FURTHER ORDERED that this Decision and Order shall take effect  
2 immediately upon its adoption by the Board and is a public record of the Board and the State of  
3 Alaska. The State may provide a copy of it to any person or entity, professional licensing board,  
4 federal, state, or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the National  
6 Practitioner Data Bank, and other entities as required by law.

7  
8 DATED this 14/04 day of February, 2018 at Anchorage, Alaska.

9  
10 MIKE NAVARRE, COMMISSIONER

11  
12  
13 AMK By:   
14 Greg Francois, Chief Investigator for  
15 Janey McCullough, Director  
16 Division of Corporations, Business and  
17 Professional Licensing

18  
19 I, \_\_\_\_\_, have read the Consent Agreement, understand it, and agree to be  
20 bound by its terms and conditions.

21  
22 \_\_\_\_\_  
23 Date

24  
25  
26 SUBSCRIBED AND SWORN TO before me this \_\_\_\_\_ day of  
27 \_\_\_\_\_, 2018, at \_\_\_\_\_, Alaska.

28  
29  
30 SEAL  
31 \_\_\_\_\_  
32 Notary Public in and for Alaska.  
33  
34 \_\_\_\_\_  
35 Notary Printed Name  
36 My commission expires: \_\_\_\_\_  
37

1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD ON NURSING  
5

6 In the Matter of: )  
7 )  
8 )  
9 )  
10 Respondent )

11 Case No. 2013-001243

12 CONSENT AGREEMENT  
13

14 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic  
15 Development, Division of Corporations, Business and Professional Licensing (Division) and  
16 (Respondent) as follows:

- 17 1) **Licensure.** Respondent is not currently licensed as a Registered Nurse (RN); nor is she  
18 authorized as an Advanced Nurse Practitioner (ANP) in the State of Alaska, at this time.  
19 Respondent holds lapsed Registered Nurse License # NURR10298 and ANP Authorization #  
20 NURU847. This RN license was first issued on March 21, 1984 and lapsed November 30,  
21 2016. This ANP authorization was first issued on December 03, 2004 and lapsed November  
22 30, 2016.
- 23 2) **Admission/Jurisdiction.** Respondent admits and agrees the Board of Nursing (Board) has  
24 jurisdiction over the subject matter of her RN license and ANP authorization in Alaska, and  
25 over this Consent Agreement.
- 26 3) **Admission/Facts.** Respondent admits to the following facts:  
27 a) In 2012, Respondent continued treating seven (7) pain management patients at her home  
28 in Anchorage, Alaska, after having closed her business, Humanistic Healthcare, LLC, due  
29 to illness. The Division opened an investigation on the Respondent in 2013, and shortly  
30 thereafter her attorney informed the Division the Respondent ceased providing medical  
31 care to these patients and surrendered her prescription pads.

CONSENT AGREEMENT  
CASE # 2013-001243  
ITMO:

- 1 b) In the Respondent's 2014 RN renewal, the Respondent indicated she was not under  
2 investigation, and did not affirmatively disclose a physical disability or illness that  
3 impaired her ability to practice nursing.
- 4 c) In 2015, the Division's expert issued a report, concluding that Respondent's care of the  
5 above seven patient was deficient, because Respondent had prescribed very high doses of  
6 opioids, had failed to perform adequate histories, treatment plans, and periodic reviews,  
7 and had failed to consult with behavioral health or pain specialists. After the Division's  
8 expert concluded her review, the Respondent located additional relevant treatment  
9 records. Due to the time of receipt, these records were neither reviewed by the Division's  
10 expert nor referenced in her report.
- 11 d) In 2016, the Division filed an Accusation, based on the above report, and based on  
12 Respondent's answers to professional fitness questions on her 2014 renewal. Respondent  
13 denied the allegations and requested a hearing; however, no such hearing occurred.
- 14 e) Notwithstanding that the large volume of unreviewed treatment records may ameliorate  
15 recordkeeping concerns expressed by the Division's expert, respondent admits that her  
16 recordkeeping system and prescribing practices during her illness were imperfect and that  
17 some criticisms will remain. Respondent understands that there is a potential basis for  
18 disciplinary sanctions against her license and ANP authorization pursuant to AS  
19 08.01.075, AS 08.68.270(1), (5), (6), (7), (8), and 12 AAC 44.770(1), (10). She agrees to  
20 the Consent Agreement to end the disciplinary process and open the way to return to her  
21 professional career by voluntarily accepting appropriate discipline by the board without  
22 formal findings of fault.
- 23 4) **Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide  
24 for the compromise and settlement of all issues addressed in Paragraph 3 (above) that were  
25 raised by an Accusation to revoke, suspend, or impose disciplinary sanctions against  
26 Respondent's license and authorization through a formal hearing process.
- 27 5) **Waiver of Rights.** Respondent understands she has the right to consult with an attorney of  
28 her own choosing and has a right to an administrative hearing on the facts in this case.  
29 Respondent understands and agrees that by signing this Consent Agreement, Respondent is

1 waiving her rights to counsel and to a hearing. Further, Respondent understands and agrees  
2 that she is relieving the Division of any burden it has of proving the facts admitted above.  
3 Respondent further understands and agrees that by signing this Consent Agreement she is  
4 voluntarily and knowingly giving up her right to present oral and documentary evidence, to  
5 present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the  
6 Board's decision to Superior Court. Respondent understands that upon approval of this  
7 Consent Agreement by the Board of Nursing, Office of Administrative Hearings Case No.  
8 16-1252-NUR will be dismissed and closed without further action by the parties.

9 **6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that  
10 this Consent Agreement is subject to the approval of the Board. They agree that, if the Board  
11 rejects this Consent Agreement, it will be void, and a hearing on the Accusation will be held.  
12 If this Consent Agreement is rejected by the Board, it will not constitute a waiver of  
13 Respondent's right to a hearing on the matters alleged in the Accusation and the admissions  
14 contained herein will have no effect. Respondent agrees that, if the Board rejects this  
15 Consent Agreement, the Board may decide the matter after a hearing, and its consideration of  
16 this Consent Agreement shall not alone be grounds for claiming that the Board is biased  
17 against Respondent, that it cannot fairly decide the case, or that it has received ex parte  
18 communication.

19 **7) Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the  
20 authority to enter into this Consent Agreement and to issue the following Decision and  
21 Order.

### 22 PROPOSED DECISION AND ORDER

23 IT IS HEREBY ORDERED:

#### 24 **I. Medical Evaluation as Precondition to Licensure**

25 As part of the application for reinstatement of her Registered Nurse license, pursuant to the  
26 requirements enumerated within 12 AAC 44.317, the Respondent is required to undergo a  
27 medical examination to determine her ability to safely practice nursing. Respondent's medical  
28 examination shall be from a physician licensed in the State of Alaska, approved by the Board, or  
29 its Executive Administrator, and provided with a copy of this Consent Agreement.

CONSENT AGREEMENT  
CASE # 2013-001243  
ITMO:



1 The Respondent may suggest a physician(s) of her choosing who are suitable for this evaluation,  
2 by submitting their name and credentials to the Board; the decision of providers is at the  
3 discretion of the Board. Respondent shall provide a letter from the health care provider verifying  
4 her ability to practice nursing safely. If limited practice is determined to be appropriate by the  
5 physician, the Respondent shall immediately advise the Board of Nursing and make  
6 arrangements to comply with the practice limitations suggested by her physician.

7 **II. License Conditions**

8 If/when the Respondent meets all licensure requirements pursuant to AS 08.68.251(a), AS  
9 08.68.276, and 12 AAC 44.317, and if/when an RN license and ANP authorization are issued,  
10 both of the Respondent's license(s) shall be subject to the following terms and conditions:

11 **A. Limitation on Prescriptive Authority**

12 The Respondent agrees that if she is able to successfully reinstate her ANP Authorization,  
13 she will not prescribe Schedule I, II, III or IV substances for the duration of her  
14 licensure/authorization in Alaska. Evidence of a prescription, written by the Respondent, of a  
15 Schedule I, II, III or IV drug provided to the Board, dated after this agreement is adopted, shall  
16 constitute a violation of this agreement and be grounds for immediate suspension of all Nursing  
17 licenses or authorizations issued in the State of Alaska.

18 **B. Registered Nurse Employment Must Be Supervised**

19 While working as a Registered Nurse, the Respondent must be supervised by a physician,  
20 physician's assistant, doctor of chiropractic or advanced nurse practitioner licensed in the State  
21 of Alaska. The supervisor shall be provided a copy of the Consent Agreement. This does not  
22 require that Respondent be under constant, direct observation by her supervisor.

23 **C. Probation and ANP Employment Must Be Supervised**

24 If the Respondent successfully reinstates her ANP authorization, pursuant to 12 AAC  
25 44.475, both the Respondent's RN license and ANP authorization shall be on probation for a  
26 period of three (3) years, upon issuance of ANP authorization. Further, Respondent's ANP  
27 practice shall be subject to the same terms as described in Paragraph II-B above.

1 If Respondent fully complies with all of the terms and conditions of this license  
2 probation, the probationary period will end as conditioned under this Order. The three (3) year  
3 probationary period will not be reduced by the following periods:

- 4 (1) any absence from the state in excess of 30 continuous days.
- 5 (2) any absence from the state in excess of 60 aggregate days in a single year.
- 6 (3) any period during which Respondent is not a resident of the State of Alaska.
- 7 (4) any period in which Respondent does not hold an active license in Alaska.
- 8 (5) any period in which Respondent's license and/or authorization is suspended  
9 due to non-compliance of this Consent Agreement.

10 It will be Respondent's duty to inform the Probation Monitor in writing in advance of any  
11 absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

12 The Respondent's practice as an ANP must be supervised by a health care professional  
13 licensed in Alaska (at or above the level of licensure of the Respondent. This group of health  
14 care professionals can include: a licensed physician, physician's assistant, advanced nurse  
15 practitioner, chiropractor, as approved by the Board. The Respondent shall maintain a limited  
16 practice with no pain management patients and limitations on prescriptive authority as described  
17 within Paragraph II-A of this agreement.

18 **D. Violation of Agreement**

19 If Respondent fails to comply with any term or condition of this Consent Agreement, the  
20 Division may enforce this agreement by immediately suspending Respondent's license, without  
21 an additional order from the Board or without a prior hearing, for a violation of this agreement.

22 If Respondent's license is suspended under this paragraph, as provided above, she will be  
23 will be entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If  
24 Respondent's license is suspended, she will continue to be responsible for all license  
25 requirements pursuant to AS 08.68.

26 **E. Comply with the Law**

27 The Respondent shall obey all federal, state and local laws governing her license.

1           **F.     Good Faith**

2           All parties agree to act in good faith in carrying out the stated intentions of this Consent  
3 Agreement.

4           **G.     Address of the Board**

5           All required reports or other communication concerning probation compliance with this  
6 Consent Agreement shall be addressed to:

7                     Probation Monitor for Board of Nursing  
8                     Division of Corporations, Business and Professional Licensing  
9                     550 West 7<sup>th</sup> Avenue, Suite 1500  
10                    Anchorage, Alaska 99501-3567  
11                    Phone (907) 269-8437; Fax (907) 269-8195

12           **H.     Civil Fine**

13           Respondent shall pay a fine of five thousand dollars (\$5,000.00), with four thousand  
14 dollars (\$4,500) stayed, conditioned upon no violations of this agreement. The stay of fine is  
15 based on the Board's assessment that respondent's noncompliance was related to a serious  
16 illness, and that the same illness has led to several years without income. This unsuspended  
17 portion of the civil fine, \$500, is due immediately upon reinstatement of the Respondent's ANP  
18 authorization. This amount is payable to the "State of Alaska" in cash, certified check, money  
19 order, or via credit card, within five working days of the reinstatement. Failure to pay this fine  
20 within the stated time limit is a violation of this agreement, which will result in the imposition of  
21 the any unpaid portion of the fine (\$5,000), which shall be due immediately.

22           All payments required by this Consent Agreement shall be addressed to:

23                     Angela G. Birt, Chief Investigator  
24                     Division of Corporations, Business and Professional Licensing  
25                     550 West 7th Avenue, Suite 1500  
26                     Anchorage, Alaska 99501-3567

27           **I.     Additional Education**

28  
29           In addition to the continuing education/competency requirements for her licensure under  
30 AS 08.68, 12 AAC 44.317, and 12 AAC 44.0600, the Respondent shall attend and satisfactorily  
31 complete no less than (25) hours of education dealing with subject matter relating to proper  
32 *prescribing practices, documentation of patient records and ethics* not later than 90 calendar  
33

1 days following reinstatement of either license. The course curriculum must be approved by the  
2 Board or its Executive Administrator prior to the Respondent registering in the course.

3 In addition, within 30 calendar days after completion of the course, a certificate of  
4 satisfactory completion is to be provided to the Probation Monitor. **All costs are the**  
5 **responsibility of the Respondent.**

6 **J. Reprimand**

7 It is hereby ordered that a public reprimand be issued against licensee,  
8 , for obtaining a license and authorization to practice while failing  
9 to disclose her physical disability on her 2014 license renewal; and failing to maintain an  
10 adequate record for each client reflecting treatment issues, interventions undertaken for  
11 that client, and a sufficient basis for the pain management prescribing practices adopted  
12 for that patient.

13  
14 The Board makes reprimands available to the public by linking them through the Board's  
15 website. Ms. understands that her reprimand will be linked from the website  
16 according to this consistent policy.

17  
18 IT IS FURTHER ORDERED that this Adopted Decision and Order shall take effect immediately  
19 upon its adoption by the Board and is a public record of the Board and the State of Alaska. The  
20 State of Alaska may provide a copy of it to any person or entity, professional licensing board,  
21 federal, state, or local government, or other entity making a relevant inquiry.


22 The action taken by the Board in this Consent Agreement will be reported to the National  
23 Practitioner Data Bank, and National Council of State Boards of Nursing, as required by law.

24  
25 DATED this 29<sup>th</sup> day of September, 2017 at Anchorage, Alaska.

26  
27 CHRIS HLADICK, COMMISSIONER

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By:   
Angela Bivens, Chief Investigator for AMK  
Janey Hovend, Director  
Division of Corporations, Business and  
Professional Licensing

I, \_\_\_\_\_, have read the Consent Agreement, understand it, and agree to be bound by its terms and conditions.

DATED: Sept. 8, 2017

Personally appeared before me \_\_\_\_\_ this 8<sup>th</sup> day of September, 2017 and acknowledged this Consent Agreement to be her free act and deed after being duly advised by the counsel of her choosing.

SEAL

  
Notary Public in and for Alaska.

Devon Refidal  
Notary Printed Name

My commission expires: 9/16/2020



1 STATE OF ALASKA  
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
4 BEFORE THE BOARD ON NURSING  
5

6 In the Matter of: )  
7 )  
8 )  
9 )  
10 Respondent )  
11 Case No. 2016-001064

12 CONSENT AGREEMENT

13  
14 IT IS HEREBY AGREED by the Department of Commerce, Community and Economic  
15 Development, Division of Corporations, Business and Professional Licensing (Division) and  
16 (Respondent) as follows:

- 17 1) **Licensure.** Respondent is currently licensed as a Practical Nurse (LPN) in the State of Alaska  
18 and holds license number NURP5269. This license was first issued on August 3, 1998 and  
19 will lapse unless renewed by September 30, 2018.
- 20 2) **Admission/Jurisdiction.** Respondent admits and agrees that the Board of Nursing (Board)  
21 has jurisdiction over the subject matter of his license in Alaska and over this Consent  
22 Agreement.
- 23 3) **Admission/Facts.** Respondent admits to the following facts:  
24 a) On October 22, 2015, Respondent entered into a Consent Agreement (Case No.: 2015-  
25 000376) with the Board for physically abusing a patient by injecting the restrained patient  
26 with insulin against the patient's will. The terms of this Consent Agreement included;  
27 three years of probation, a \$3,000.00 fine and three hours of continuing education relating  
28 to patient rights. Respondent is in compliance with the 2015 agreement.
- 29 b) On August 10, 2016, while working as a LPN for the State of Alaska, Department of  
30 Corrections, Respondent made statements to a co-worker and his on-duty supervisor  
31 indicating he wished to harm a correctional officer. Respondent was immediately placed  
32 on Administrative leave due to concerns his unprofessional conduct could interfere with  
33 his performance of nursing duties in a correctional facility setting.

- 1 c) On August 23, 2016, Respondent obtained a mental health assessment at the request of his  
2 employer. Respondent was diagnosed with depression and anxiety. Respondent has  
3 followed the recommended rehabilitative counseling recommendations from Counseling  
4 Solutions of Alaska. Respondent was released to return to work as a LPN effective  
5 September 30, 2016.
- 6 d) The State of Alaska Department of Corrections placed the Respondent on paid  
7 administrative leave from the date of his infraction until November 3, 2016, when they  
8 elected to terminate his employment.
- 9 e) Respondent admits that as a result of the above facts, grounds exist for possible  
10 suspension, revocation, or other disciplinary sanctions of his license pursuant to AS  
11 08.01.075, AS 08.68.270(6)(7) and 12 AAC 44.770(29).
- 12 **4) Formal Hearing Process.** It is the intent of the parties to this Consent Agreement to provide  
13 for the compromise and settlement of all issues addressed in Paragraph 3 (above) that could be  
14 raised by an Accusation to revoke, suspend, or impose disciplinary sanctions against  
15 Respondent's license through a formal hearing process.
- 16 **5) Waiver of Rights.** Respondent understands he has the right to consult with an attorney of his  
17 own choosing and has a right to an administrative hearing on the facts in this case.  
18 Respondent understands and agrees that by signing this Consent Agreement, Respondent is  
19 waiving his rights to counsel and to a hearing. Further, Respondent understands and agrees  
20 that he is relieving the Division of any burden it has of proving the facts admitted above.  
21 Respondent further understands and agrees that by signing this Consent Agreement he is  
22 voluntarily and knowingly giving up his right to present oral and documentary evidence, to  
23 present rebuttal evidence, to cross-examine witnesses against Respondent, and to appeal the  
24 Board's decision to Superior Court.
- 25 **6) Effect of Non-Acceptance of Consent Agreement.** Respondent and the Division agree that  
26 this Consent Agreement is subject to the approval of the Board. They agree that, if the Board  
27 rejects this Consent Agreement, it will be void, and an Accusation may be filed. If this  
28 Consent Agreement is rejected by the Board, it will not constitute a waiver of Respondent's  
29 right to a hearing on the matters alleged in an Accusation and the admissions contained herein  
30 will have no effect. Respondent agrees that, if the Board rejects this Consent Agreement, the  
31 Board may decide the matter after a hearing, and its consideration of this Consent Agreement

1 shall not alone be grounds for claiming that the Board is biased against Respondent, that it  
2 cannot fairly decide the case, or that it has received ex parte communication.

3 7) **Consent Agreement, Decision, and Order.** Respondent agrees that the Board has the  
4 authority to enter into this Consent Agreement and to issue the following Decision and Order.

5 **PROPOSED DECISION AND ORDER**

6  
7 IT IS HEREBY ORDERED that any Nursing license issued to Respondent is under probation.  
8 This license shall be subject to the following terms and conditions of license probation.

9 **A. Duration of Probation**

10 Respondent's license shall be on probation for five (5) years, effective October, 15, 2015  
11 (to run concurrently with probation in Case No.: 2015-000376). If Respondent fully complies  
12 with all of the terms and conditions of this license probation, the probationary period will end as  
13 conditioned under this Order. The five (5) year probationary period will not be reduced by the  
14 following periods:

- 15 (1) any absence from the state in excess of 30 continuous days.
- 16 (2) any absence from the state in excess of 60 aggregate days in a single year.
- 17 (3) any period during which Respondent is not a resident of the State of Alaska.
- 18 (4) any period in which Respondent does not hold an active license in Alaska.
- 19 (5) any period in which Respondent's license is suspended.

20 It will be Respondent's duty to inform the Probation Monitor in writing in advance of any  
21 absence from Alaska and/or any move from Alaska to another licensing jurisdiction.

22 **B. Violation of Agreement**

23 If Respondent fails to comply with any term or condition of this Consent Agreement, the  
24 Division may enforce this agreement by immediately suspending Respondent's license, without  
25 an additional order from the Board or without a prior hearing, for a violation of this agreement.

26 If Respondent's license is suspended under this paragraph, as provided above, he will be  
27 entitled to a hearing, on an expedited basis, regarding the issue of the suspension. If  
28 Respondent's license is suspended, he will continue to be responsible for all license requirements  
29 pursuant to AS 08.68.



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**C. Respondent Address**

It is the responsibility of the Respondent to keep the Probation Monitor advised, in writing, at all times of his current mailing address, physical address, email address, telephone number, current employment and any change in employment.

Failure to provide notice of any changes within 10 calendar days will constitute grounds for suspension of his license in accordance with paragraph 'C' above.

**D. Authorization**

Within 10 calendar days of a request by the Probation Monitor, Respondent will sign all authorizations necessary for the release of information required by this Consent Agreement.

**E. Noncooperation by Reporting Persons**

If any of the persons required by this Order to report to the Board, fails or refuses to do so, and after adequate notice to Respondent to correct the problem, the Board may terminate probation and invoke other sanctions as it determines appropriate.

All costs are the responsibility of the Respondent.

**F. Good Faith**

All parties agree to act in good faith in carrying out the stated intentions of this Consent Agreement.

**G. Compliance with Laws**

Respondent shall obey all federal, state and local laws, governing his license.

**H. Address of the Board**

All required reports or other communication concerning compliance with this Consent Agreement shall be addressed to:

Probation Monitor for Board of Nursing  
Division of Corporations, Business and Professional Licensing  
550 West 7<sup>th</sup> Avenue, Suite 1500  
Anchorage, Alaska 99501-3567  
Phone (907) 269-8437; Fax (907) 269-8195

**I. Absence from Community of Residence**

While under license probation, Respondent shall notify the Probation Monitor in writing in advance of each and every expected absence from community of residence in excess of seven (7) days. Absences from the State of Alaska must be reported pursuant to Paragraph 'B'.

1           **J.       Periodic Interview with the Board**

2           While under license probation and upon the request of the Board, its Executive  
3 Administrator, or Probation Monitor, Respondent shall report in person to the Board, Board of  
4 Nursing's Executive Administrator, or Probation Monitor to allow a review of his compliance  
5 with this probation. Respondent shall be excused from attending any interview only at the  
6 discretion of the person requesting the interview.

7           **K.       Civil Fine**

8           Respondent shall pay a fine of two thousand five hundred dollars (\$2,500.00) with one  
9 thousand five hundred dollars (\$1,500.00) suspended. The unsuspended portion of this civil fine  
10 \$1,000 is due within 180 days of the adoption of this agreement and is payable to the "State of  
11 Alaska" in cash, certified check, money order, or (by phone at 907-269-8160) via credit card.

12           All payments required by this Consent Agreement shall be addressed to:

13                           Angela G. Birt, Chief Investigator  
14                           Division of Corporations, Business and Professional Licensing  
15                           550 West 7th Avenue, Suite 1500  
16                           Anchorage, Alaska 99501-3567

17           **L.       Psychotherapy Counseling**

18           Respondent shall be required to undergo psychiatric and/or psychological therapy as  
19 recommended by his counseling program. Psychiatric care/counseling shall be from a  
20 psychiatrist, psychologist, or counselor licensed in the State of Alaska, approved by the Board or  
21 its Executive Administrator, and provided with a copy of this Consent Agreement.

22           The Board or its Executive Administrator may consider releasing Respondent from the  
23 therapy requirement upon receipt of a written statement from Respondent's therapist that his  
24 rehabilitation has progressed to the point that continued therapy is no longer necessary.  
25 However, the Board or its Executive Administrator will not release Respondent from the therapy  
26 requirement until satisfied that doing so is consistent with the public interest. Respondent will  
27 continue with counseling until the Board, or its Executive Administrator, officially releases the  
28 Respondent from his counseling requirement in writing.

29           Respondent's therapist shall submit reports to his probation monitor on a quarterly basis,  
30 as specified in paragraph 'M', indicating that:

- 31           (1) Respondent is continuing in therapy as required by his therapist; and

1 (2) Respondent does not pose a danger to the public, Respondent's patients, or  
2 Respondent.

3 All costs are the responsibility of the Respondent.

4 **M. Quarterly Reports**

5 Quarterly reports are due for each year of probation and the entire length of probation as  
6 follows:

<u>Period Covered</u>	<u>Due Date(s)</u>
January 1 - March 31	between April 1 and April 7
April 1 - June 30	between July 1 and July 7
July 1 - September 30	between October 1 and October 7
October 1 - December 31	between January 1 and January 7

12 Failure to submit complete and timely reports shall constitute a violation of probation.

13 **N. Self-Evaluation Report**

14 While under license probation, Respondent shall submit quarterly reports, as specified in  
15 paragraph 'M', to the Probation Monitor regarding his method(s) of handling stress, mental and  
16 physical health, professional responsibilities and activities, and personal activities.

17 **O. Employer Reports**

18 Within 10 calendar days of the effective date of this Consent Agreement, and for the  
19 duration of probation, Respondent must provide his employer with a copy of the Consent  
20 Agreement and understands that the Probation Monitor will be free to discuss with Respondent's  
21 employer the subject matter of this Consent Agreement.

22 Respondent's supervisor shall report quarterly to the Probation Monitor as to Respondent's  
23 employment performance and attendance (as specified in Paragraph 'N' above). The report shall  
24 include a statement of whether Respondent is suspected of violating any condition of this license  
25 probation.

26 **P. Additional Education**

27 In addition to the continuing education/competency requirements under Alaska statutes for  
28 his licensure under AS 08.68, and within 90 calendar days of the effective date of this Order,  
29 Respondent shall attend and satisfactorily complete no less than three (3) hours of education  
30 dealing with subject matter relating to *Professional Conduct*. The course curriculum must be  
31 approved by the Board or its Executive Administrator prior to the Respondent registering in the  
32 course.

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In addition, within 30 calendar days after completion of the course, a certificate of satisfactory completion is to be provided to the Probation Monitor.

All costs are the responsibility of the Respondent.

**Q. Reprimand**

It is hereby ordered that a public reprimand be issued against licensee, \_\_\_\_\_, for unprofessional conduct relating to disruptive behavior directed at staff members, a violation of AS 08.68.270(7) and 12 AAC 44.770(29).

//  
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//

1 IT IS FURTHER ORDERED that this Adopted Decision and Order shall take effect immediately  
2 upon its adoption by the Board and is a public record of the Board and the State of Alaska. The  
3 State of Alaska may provide a copy of it to any person or entity, professional licensing board,  
4 federal, state, or local government, or other entity making a relevant inquiry.

5 The action taken by the Board in this Consent Agreement will be reported to the National  
6 Practitioner Data Bank, and National Council of State Boards of Nursing as required by law.

7  
8 DATED this 24<sup>th</sup> day of January, 2017 at Anchorage, Alaska.

9  
10 CHRIS HLADICK, COMMISSIONER

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13 By: [Signature]  
14 Angela Birt, Chief Investigator for  
15 Janey Hovenden, Director  
16 Division of Corporations, Business and  
17 Professional Licensing

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I, \_\_\_\_\_ have read the Consent Agreement, understand it, and agree to be bound by its terms and conditions.

DATED: 2-21-2017

SUBSCRIBED AND SWORN TO before me this 21 day of February, 2017, at Anchorage, Alaska.



[Signature]  
Notary Public in and for Alaska.  
ANNE Leary  
Notary Printed Name

My commission expires: with office

# Fitness to Practice Review Interview

B.B.

APPLICANT'S NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Interviewer: \_\_\_\_\_

# Fitness to Practice Review for Criminal Convictions

## Interview Questions

1. Tell us about the circumstances of your conviction.
2. Do you feel your conviction will affect your ability to practice competently and safely?
3. What changes have you made in your life to ensure you will not have a negative impact on society?
4. What support system do you have in place to ensure you do not re-offend and you can practice competently and safely?
5. Are you aware of possible disciplinary actions that could be implemented by the Board of Massage Therapists for non-compliance of Statutes and Regulations?
6. Have you read and can you abide by the Board of Massage Therapists Code of Ethics and Standards of Practice?

Recess Until Next Day...



# Roll Call

## Day 2

**State of Alaska**  
**Office of Boards and Commissions Roster**  
**BOARD OF MASSAGE THERAPISTS**

<u>Member</u>	<u>Appointed</u>	<u>Term Expires</u>
<b>Ron Gibbs</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2020
<b>Traci K. Gilmour</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2021
<b>Julie Endle</b> <i>Public Member</i>	January 24, 2019	March 1, 2021
<b>Chair</b> <b>David Edwards-Smith</b> <i>Licensed Massage Therapist</i>	November 25, 2014	March 1, 2022
<b>Jill Motz</b> <i>Licensed Massage Therapist</i>	Jan 23, 2017	March 1, 2022

# Review of Agenda



**Alaska Board of Massage Therapists**  
**Robert Atwood Building**  
**550 W. 7<sup>th</sup> Ave, Suite 1560**  
**Anchorage, Alaska**  
Conference Line Call In: 1-800-315-6338  
Access Code: 14875

**February 28- March 1, 2019**

**9:00 a.m.**

**Meeting Agenda (Draft)**

**Day 1**  
**Time**

**Subject**

**Lead Person(s)**

1. 9:00 a.m.	Call to Order/Roll Call	Chair
2. 9:05 a.m.	Ethics Report	Chair
3. 9:10 a.m.	Review/Approve Agenda	Chair
4. 9:15 a.m.	Review/Approve Past Meeting Minutes	Chair
5. 9:20 a.m.	Old Business <ul style="list-style-type: none"><li>• Task List from December 6-7, 2018</li><li>• Alaska Human Trafficking Work Group Notes August 15 &amp; November 20, 2019</li><li>• Review Updated FAQ's</li><li>• Disciplinary Matrix Revision</li><li>• FSMTB State Requirement Breakdown (2019)</li></ul>	Chair
6. 10:00 a.m.	Division/Financial Update <ul style="list-style-type: none"><li>• Board Requested Comparisons from December</li></ul>	TBD
7. 10:20 a.m.	Investigative Case Review, Probation Reports, & Reviewing Board Member Refresher Memos & Consent Agreements (Executive Session, if needed)	Investigators Jacobs & Homestead
8. 11:10 a.m.	Review/Revision of 12 AAC 79.110 (2)(B)	Chair
9. 11:25 a.m.	Review Tabled Applications <ul style="list-style-type: none"><li>• K.K.</li><li>• L.O.</li><li>• Y.M.</li></ul>	Chair
10. 12:00 p.m.	Lunch	
11. 1:15 p.m.	Public Comment	Chair
12. 1:30 p.m.	Use of Curriculum Breakdown <ul style="list-style-type: none"><li>1. Applications by Examination</li><li>2. Schools with Accreditation (Massage/Bodywork)</li></ul>	Chair



**Alaska Board of Massage Therapists**  
**Robert Atwood Building**  
**550 W. 7<sup>th</sup> Ave, Suite 1560**  
**Anchorage, Alaska**  
Conference Line Call In: 1-800-315-6338  
Access Code: 14875

**February 28-March 1, 2019**  
**9:00 a.m.**  
**Meeting Agenda (Draft)**

**Day 1 (continued)**

<b><u>Time</u></b>	<b><u>Subject</u></b>	<b><u>Lead Person(s)</u></b>
13. 1:45 p.m.	Administrative Business <ul style="list-style-type: none"><li>• Meeting Calendar</li><li>• Document Signing</li><li>• Correspondence<ol style="list-style-type: none"><li>1. Wallis</li><li>2. Lea</li></ol></li><li>• New Task List</li></ul>	Chair
14. 2:15 p.m.	Applicant Requested Background Review	Chair
15. 2:55 p.m.	Adoption of Proposed Regulations (ended 2/18/2019)	Reg. Spec. Zinn
16. 3:15 p.m.	Break	Chair
17. 3:30 p.m.	Fitness to Practice Interviews <ol style="list-style-type: none"><li>1. 3:30 p.m. B.B. Interview (In-person)</li><li>2. 4:00 p.m. B.B. Deliberation</li></ol>	
18. 4:30 p.m.	Adjourn or Recess until 9:00 a.m. March 1, 2019	Chair

**Day 2- March 1, 2019**

19. 9:00 a.m.	Call to Order/Roll Call	Chair
20. 9:05 a.m.	Review Agenda	Chair
21. 9:10 a.m.	Massage Establishment Regulations Review with LAW	AAG Milks
22. 9:40 a.m.	Draft Massage Establishment Regulations	Chair, Zinn, Chambers, Milks, Francois
23. 12:00 p.m.	Lunch	
24. 1:00 p.m.	Consultation with LAW on CBD Oil Use	AAG Wilson



Alaska Board of Massage Therapists  
Robert Atwood Building  
550 W. 7<sup>th</sup> Ave, Suite 1560  
Anchorage, Alaska  
Conference Line Call In: 1-800-315-6338  
Access Code: 14875

February 28- March 1, 2019  
9:00 a.m.  
Meeting Agenda (Draft)

**Day 2 (continued)**

<b><u>Time</u></b>	<b><u>Subject</u></b>	<b><u>Lead Person(s)</u></b>
25. 1:30 p.m.	Break for Town Hall Preparation	Chair
26. 2:00 p.m.	Town Hall Meeting	OLE Dulebohn
27. 4:00 p.m.	Adjourn	Chair

DRAFT

# Massage Establishment Regulation Review

## Harriet Milks

# Massage Establishment Regulations



# Regulations Questionnaire

## Regulation Changes Questionnaire

Division/Board: \_\_\_\_\_ Meeting Date: \_\_\_\_\_

Regulation change being proposed: 12 AAC \_\_\_\_\_

General top of the regulation: \_\_\_\_\_

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law?  If yes, effective date of new statute/federal law: _____  <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type?  If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license?  If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements?  If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee?  If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees?  If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/>  Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i> )?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> Letter to licensees <input type="checkbox"/>

Staff submitting this worksheet: \_\_\_\_\_ Date submitted to Regulations Specialist: \_\_\_\_\_

# Potential M.E.L. Draft Language

Edwards- Smith

## Application Requirement

### Louisiana

Obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.

(a) An applicant for a establishment license shall submit a completed application on a form provided by the department. A complete application must include

(1) payment of the fees established

(2) name of the owner or lessee;

(3) business name of the establishment;

(4) mailing and street address of the shop;

(5) if the establishment owner is not a licensed practitioner, the name and license number of the licensed massage therapist who is

employed as manager of the establishment (definition);

-A may serve as the Professional-in-Charge for only one establishment at a time.

(6) a listing of all other establishments the applicant owns which includes the business name, mailing address, and

street address of each; and

(7) failure to comply as per 08.01.075

(8) municipal health and safety inspection verification? (Board of barbers) (population cap)

Fire marshall inspection?

(9) A completed self-inspection of the premises (form included in application)

Inspection: requirements....

### Nebraska

(11) If the applicant is a sole proprietorship, that s/he is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request;

Citizenship documentation?

## Application Renewal

Biannual renewal

Fingerprinting requirements?

Self Inspection attestation?

Licensing fee

Employed mts?

Lead therapist helps to slow down the problem of whack a mole by breaking up groups that work to run illicit business, only one location at a time was recommended by SC

## **BOARD INSPECTION**

A. The division may make periodic inspections of all massage establishments **licensed and unlicensed.**

Delaware:

(a) An agent of the Division may enter and inspect during business hours, without prior notice, any massage establishment.

B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy and a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements.

## **SELF INSPECTION REQUIREMENTS for discussion**

**General Requirements.**

**A. On a form provided by the department the establishment owner inspects and attest compliance with operations:**

(1) Standards of Practice and Code of Ethics is displayed in a location available to the public

(2) Display in a full public view place the massage establishment license and all employed massage therapist licenses

(3) **A written and or digital system of maintaining client records** for at least three (5) years. standard HIPA compliance

(4) Shall maintain proof that the massage therapy establishment location or premises has current general liability insurance; Coverage Limits? Will be researched

(5) Maintain all equipment pertaining to the practice of massage therapy used to perform massage therapy services on the premises in a safe and sanitary condition; Tennessee!! Missouri , texas,

(6) Maintain compliance with all applicable state and local building and fire codes

(7) Provide for the removal of garbage and refuse in a sanitary manner; and Provide for safe storage or removal of soiled linens as per universal and standard precaution practices.

(8) Rooms or any cubicle for massage or massage therapy practices are not equipped with an externally locking door.

(9) Tennessee!!! Research

Rest room facilities shall include at least one sink with hot and cold running water and shall be **equipped** with a soap dispenser with soap or other hand cleaning materials, clean towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle. Hand cleansing capabilities for the therapists must be located within twenty (20) feet of the treatment area.

## Utah

Each massage facility and temporary massage facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons provided with soap and single-use towels.

(10) Establishment owners shall provide for safe and unobstructed human passage in the public areas of the premises,

(11) Every massage establishment shall be equipped with a workable telephone for emergency calls.

## OPERATIONS

### EMPLOYMENT

Employ or permit to practice on the premises only licensed, or officially enrolled student massage therapists to perform massage therapy as defined in statute and regulations.

A. Student enrollment documentation must be current and on premises

### HOURS OF OPERATION

1. No massage establishment shall operate or be open for business between the hours of 12:00 a.m. and 5:00 a.m.

### RESTRICTED BUSINESS ACTIVITY

2. No massage establishment shall operate where a **primary business** is .... Alcohol beverage sales, photography studio, model studio, art studio, telephone answering service, motion picture theater or adult-oriented business.

The establishment shall ensure that no inappropriate employee dress is permitted. Inappropriate dress includes clothing which exposes the breasts, buttock, genitalia or attire that shows the practitioners undergarments. No swim attire is permitted unless treatment is a water modality

### WORKABLE TELEPHONE

Every massage establishment shall be equipped with a workable land line telephone for emergency calls. Rural exemption based on population?

### ALCOHOL

Code of ethics reference.

the distribution or consumption of alcohol is not permitted in the massage establishment (case by case variance? Except in cases of permitting from alcohol board? Notification required to the division?

### CONTROLLED SUBSTANCE

No controlled substance shall be allowed in the massage establishment.

(10) Every massage establishment shall be equipped with a workable land line telephone for emergency calls. Rural exemption based on population?

#### MESSAGE ROOM REQUIREMENTS

No person shall perform massage or massage therapy in any cubicle, room, or area equipped with an externally locking door.

#### ONSITE LIVING RESTRICTIONS

No massage establishment shall be used as a shelter or living quarters for any person. No owner or manager shall allow a licensed massage establishment to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). If a massage establishment is located within, but is ancillary to, a business such as a hotel or motel, this prohibition shall apply only to the areas designed, designated, or used as a massage establishment.

#### OUTCALL vegas

A massage establishment may dispatch a licensed massage therapist to perform outcall massage, but only if the therapy is to take place at the client's transient lodging, temporary or permanent residence or at the client's place of business.

#### MOBILE MASSAGE? NEED TO RESEACH AND PRESENT LANGUAGE

#### AGE RESTRICTION

No owner, manager, massage therapist, or employee shall administer services to any person under the age of eighteen (18) years without a parent or legal guardian present or written consent parent or legal guardian.

#### SEXUAL CONTACT / ACT PROHIBITION -- MEDICAL REGS DEFINITION!!

No owner, manager, massage therapist, or employee shall initiate or engage in any sexual contact or sexual act in any massage establishment.

No owner, manager, massage therapist, or employee shall promote, solicit, initiate, engage in, permit, or allow any act that violates Alaska Statutes sections 08.61 et seq., the Regulations of the Alaska State Board of Massage Therapists, or the code of ethics or standards of practice set forth by the Alaska State Board of Massage Therapists.

No owner, manager, massage therapist, or employee shall engage in unprofessional conduct, including but not limited to the following:

a. Engaging in sexually suggestive advertising related to massage services.



b. Engaging in any form of sexual activity on the premise of a massage establishment where massage is provided for compensation.

#### SEX DEVICE RESTRICTION

No owner, manager, massage therapist, or employee shall keep, or allow to be kept, within any massage establishment any item known as or commonly used as a marital or sexual aid, including, but not limited to, any contraceptive item or device, vaginal or anal lubricant, or any sex toy.

#### RESTRICTION OF VIDEO / PHOTOGRAPHY

No owner, manager massage therapist, or employee shall allow television, video or recording equipment in any room where massage services are being provided, but a security surveillance monitor that can only receive images of the inside of the common areas of the establishment may be located in these rooms at any time. With written client consent, a massage therapist may use video and photography equipment for therapeutic purposes.

#### MIRRORS North Dakota

Any mirrors and windows in the massage establishment will be positioned or covered in a manner to maintain the privacy of the person receiving the massage at all times during the massage and while the client is dressing and undressing.

#### DOCUMENTATION REQUIREMENTS WHILE WORKING IN A MASSAGE ESTABLISHMENT (FLORIDA)

The licensed MT must have legal identification available upon in Employee? W9? Subcontractor? 1099

#### TRANSFER OF LICENSE

In the event the licensed establishment sold, subleased, or legal possession of the establishment is changed, the new owner, lessee, or legal possessor of the establishment shall be required to submit a completed application within ten (10) business days of the change of ownership, lessee, or legal possess. The establishment license is not assignable or transferable.

#### EXEMPTIONS

The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;
2. Public and private secondary schools or accredited colleges and universities who are approved by the board and when massage is performed in a massage therapy school curriculum.

3. Sports venues at which massage may be conducted on the members of professional sports franchises

by athletic trainers employed by professional sports or collegiate sports franchises.

5. Place of business is not required to hold a license under this chapter if:

(1) the place of business is located on property owned by the federal government

(3) LMT directly employed by: an acupuncturist, athletic trainer, chiropractor, midwife, nurse, occupational therapist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner licensed in the state of Alaska employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice

6. a business or corporation owned and operated by massage therapist(s) licensed in the state of Alaska. Corporations must be majority owned by licensed massage therapists.

#### North Carolina

Massage and bodywork therapy provided by a sole practitioner, which is defined as a single licensed massage and bodywork therapist (hereinafter referred to as "LMBT") offering massage or bodywork therapy services from a space the LMBT controls and from which only the LMBT offers and provides the services.

## Application Requirement

### Louisiana

Obtaining a massage establishment license shall be the responsibility of the entity which controls the physical location where the services are provided, which entity may be a sole proprietor, lessee, owner, partnership, corporation, cooperative, association, or other legal entity.

(a) An applicant for a establishment license shall submit a

completed application on a form provided by the department. A complete application must include

(1) payment of the fees established

(2) name of the owner or lessee;

(3) business name of the establishment, if Doing Business As, you must include this in the application:

Write the full DBA name for your business. What is a "Doing Business As" Name? A fictitious name (or assumed name, trade name or DBA name) is a business name that is different from your personal name, the names of your partners or the officially registered name of your LLC or corporation. It's important to note that when you form a business, the legal name of the business defaults to the name of the person or entity that owns the business, unless you choose to rename it and register it as a DBA name. For example, consider this scenario: John Smith sets up a painting business. Rather than operate under his own name, John instead chooses to name his business: "John Smith Painting". This name is considered an assumed name and John will need to register it with the appropriate local government agency;

(4) mailing and street address of the shop;

(4) A photocopy of two valid state or federal issued photo identifications, i.e., driver's license, green card, passport, etc.

(5) Copy of the occupancy permit for the building in which the massage establishment will operate.

(6) **if the establishment owner is not a licensed practitioner** (the establishment would be exempt from licensing).

**\*\***(6) The name and license number of the licensed massage therapist who is employed as Lead Therapist of the establishment **(definition);**

-May serve as the Professional-in-Charge/Lead Therapist for only one establishment at a time.

### Professional-in-Charge Requirements

The Professional-in-Charge:

\* is responsible for complete and adequate supervision of the establishment, including ensuring that all employees are licensed when required by law

\* must hold a current Alaska Massage license

\* may serve as the Professional-in-Charge for only one establishment at a time. \* Completes Self-Inspection with Signoff by Owner

\* Has working knowledge of Alaska Statutes, Standards of Practice, Code of Ethics and HIPAA.

\* Works with Establishment on Records Maintenance protocol and HIPAA requirements

\* Oversees that Establishments Sanitation requirements are maintained.

When the Professional-in-Charge of an establishment changes the owner of the Establishment must contact the Board within 10 business days.

(7) a listing of all other establishments the applicant owns which includes the business name, mailing address, and street address of each; and

(8) failure to comply as per 08.01.075

(9) municipal health and safety inspection verification? (Board of barbers) (Statement of Capacity?)

Fire marshall inspection?

(10) The applicant shall submit proof confirming property damage and bodily injury liability insurance coverage for the proposed establishment. If the establishment is operated under a business name, the proof of insurance shall include both the name of the owner and the business name.

(11) Criminal History, Fingerprint Card, Release of Information

(12) A completed self-inspection of the premises (form included in application)

Inspection: requirements....

Nebraska

(13) If the applicant is a sole proprietorship, that s/he is a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act, for the purpose of complying with Neb. Rev. Stat. §§ 4-108 to 4-114. The applicant must provide his/her immigration status and alien number, and agree to provide a copy of his/her USCIS documentation upon request; Citizenship documentation?

### Application Renewal

Biannual renewal

Fingerprinting requirements?

Self Inspection attestation?

Licensing fee

Employed mts?

**Lead therapist helps to slow down the problem of whack a mole by breaking up groups that work to run illicit business, only one location at a time was recommended by SC**

### BOARD INSPECTION

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B. Such inspections may include, but need not be limited to, confirmation that the site is being utilized for massage therapy and a determination of whether the establishment is in compliance with the laws and rules governing the establishment's operation, facilities, personnel, safety, and sanitary requirements.

### OPERATIONS

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A. Student enrollment documentation must be current and on premises

#### HOURS OF OPERATION

1. No massage establishment shall operate or be open for business between the hours of 12:00 a.m. and 5:00 a.m.

#### RESTRICTED BUSINESS ACTIVITY

2. No massage establishment shall operate where a primary business is ....

Alcohol beverage sales, photography studio, model studio, art studio, telephone answering service, motion picture theater or adult-oriented business.

a. No owner, manager, massage therapist, or employee shall allow television, video or recording equipment in any room where massage services are being provided, but a security surveillance

monitor that can only receive images of the inside of the common areas of the establishment may be located in these rooms as any time. With written consent, a massage therapist may use video and photography equipment for therapeutic purposes.

#### UNPROFESSIONAL CONDUCT/ADVERTISING

No owner, manager, massage therapist, or employee engage in unprofessional conduct, including but not limited to the following:

- a. Engaging in sexually suggestive advertising related to massage services, i.e., display of cleavage, buttocks or genitalia, including a state of undress
- b. Engaging in any form of sexual activity on the premise of a massage establishment where massage is provided for compensation.
- c. Engaging in any form of sexual activity while providing massage services for compensation.
- d. Engaging in any form of solicitation or assignation.
- e. The establishment shall ensure that no inappropriate employee dress is permitted. Inappropriate dress includes clothing which exposes the breasts, buttock, genitalia or attire that shows the practitioners undergarments. No swim attire is permitted unless treatment is a water modality.

#### WORKABLE TELEPHONE

Every massage establishment shall be equipped with a workable land line telephone for emergency calls. Rural exemption based on population?

#### ALCOHOL – See Below

Code of ethics reference.

the distribution or consumption of alcohol is not permitted in the massage establishment (case by case variance? Except in cases of permitting from alcohol board? Notification required to the division?

#### CONTROLLED SUBSTANCE

No controlled substance shall be allowed in the massage establishment.

\*\*\*NO OWNER, MANAGER, MASSAGE THERAPISST, OR EMPLOYEE SHALL SELL, GIVE, DISPENSE, PROVIDE, OR KEEP, OR CAUSE OR PERMIT TO BE SOLD, GIVEN, DISPENSED, PROVIDED OR KEPT, ALCOHOL OR ANY CONTROLLED SUBSTANCE WITHIN ANY MASSAGE ESTABLISHMENT.

EXCEPTION: Example: IN THE CASE OF A RECEPTION OR EVENT AS PERMITTED BY LAW

1. (10) Every massage establishment shall be equipped with a workable land line telephone for emergency calls. Rural exemption based on population?

OR

\*\*\*\*\*Every massage establishment shall be equipped with an operating telephone located in a common area that is not a massage room for emergency calls.

#### MASSAGE ROOM REQUIREMENTS

No person shall perform massage or massage therapy in any cubicle, room, or area equipped with an externally locking door.

#### ONSITE LIVING RESTRICTIONS

No massage establishment shall be used as a shelter or living quarters for any person. No owner or manager shall allow a licensed massage establishment to be used for housing, sheltering, or harboring any person(s), or as living or sleeping quarters for any person(s). If a massage establishment is located within, but is ancillary to, a business such as a hotel or motel, this prohibition shall apply only to the areas designed, designated, or used as a massage establishment.

#### OUTCALL vegas

#### **MOBILE MASSAGE? NEED TO RESEACH AND PRESENT LANGUAGE**

A massage establishment may dispatch a licensed massage therapist to perform outcall massage, but only if the therapy is to take place at the client's transient lodging (hotel/motel, lodge), temporary or permanent residence or at the client's place of business.

#### AGE RESTRICTION

No owner, manager, massage therapist, or employee shall administer services to any person under the age of eighteen (18) years without a parent or legal guardian present or written consent parent or legal guardian.

#### SEXUAL CONTACT / ACT PROHIBITION -- MEDICAL REGS DEFINITION!!

No owner, manager, massage therapist, or employee shall initiate or engage in any sexual contact or sexual act in any massage establishment.

No owner, manager, massage therapist, or employee shall promote, solicit, initiate, engage in, permit, or allow any act that violates Alaska Statutes sections 08.61 et seq., the Regulations of the Alaska State Board of Massage Therapists, or the code of ethics or standards of practice set forth by the Alaska State Board of Massage Therapists.

No owner, manager, massage therapist, or employee shall engage in unprofessional conduct, including but not limited to the following:

- a. Engaging in sexually suggestive advertising related to massage services.
- b. Engaging in any form of sexual activity on the premise of a massage establishment where massage is provided for compensation.

#### SEX DEVICE RESTRICTION

No owner, manager, massage therapist, or employee shall keep, or allow to be kept, within any massage establishment any item known as or commonly used as a marital or sexual aid, including, but not limited to, any contraceptive item or device, vaginal or anal lubricant, or any sex toy.

#### RESTRICTION OF VIDEO / PHOTOGRAPHY – **MOVED TO RESTRICTED BUSINESS ACTIVITY**

No owner, manager massage therapist, or employee shall allow television, video or recording equipment in any room where massage services are being provided, but a security surveillance monitor that can only receive images

of the inside of the common areas of the establishment may be located in these rooms at any time. With written client consent, a massage therapist may use video and photography equipment for therapeutic purposes.

#### **MIRRORS North Dakota**

Any mirrors and windows in the massage establishment will be positioned or covered in a manner to maintain the privacy of the person receiving the massage at all times during the massage and while the client is dressing and undressing.

#### **DOCUMENTATION REQUIREMENTS WHILE WORKING IN A MASSAGE ESTABLISHMENT (FLORIDA)**

The licensed MT must have legal identification available upon inspection  
Employee? W9? Subcontractor? 1099?

#### **TRANSFER OF LICENSE**

In the event the licensed establishment sold, subleased, or legal possession of the establishment is changed, the new owner, lessee, or legal possessor of the establishment shall be required to submit a completed application within ten (10) business days of the change of ownership, lessee, or legal possess. The establishment license is not assignable or transferable. (Transfer of License application shall include name of business, corporation, Owner name any new/exiting therapists)

#### **EXEMPTIONS**

The following are exempt from the massage establishment license requirement:

1. Hospitals, residential care facilities, and assisted living facilities licensed by the state of Alaska;
2. Public and private secondary schools or accredited colleges and universities who are approved by the board and when massage is performed in a massage therapy school curriculum.
3. Sports venues at which massage may be conducted on the members of professional sports franchises by athletic trainers employed by professional sports or collegiate sports franchises.
4. Place of business is not required to hold a license under this chapter if:
  - (1) the place of business is located on property owned by the federal government
  - (2) Sole Proprietor who is a Licensed Massage Therapist.
  - (3) LMT directly employed by: an acupuncturist, athletic trainer, chiropractor, midwife, nurse, occupational therapist, physical therapist, physician, physician assistant, podiatrist, respiratory care practitioner licensed in the state of Alaska employs or contracts with a licensed massage therapist to provide massage therapy as part of the person's practice
  - (4) a business or corporation owned and operated by massage therapist(s) licensed in the state of Alaska. Corporations must be majority owned by licensed massage therapists.

Not Exempt:

Any therapist employed or housed in an establishment which offers massage therapy along with other services, i.e., hair salon, Fitness Establishment, Day Spa.....AND???

#### **North Carolina**

Massage and bodywork therapy provided by a sole practitioner, which is defined as a single licensed massage and bodywork therapist (hereinafter referred to as "LMBT") offering massage or bodywork therapy services from a space the LMBT controls and from which only the LMBT offers and provides the services.

Application:

Application Type – New Establishment, Change of Ownership or Renewal

1. Business Information

Business Owner

Business Name (As it appears on Business License)

Corporate Name (If different than DBA)

Mailing Address

Physical Location

\*\*\*FEID (Federal Employer Identification Number)

\*\*\*SSN (if No FEID)

2. Operating Hours ???

3. Type of Ownership

- a. Individual, Corporation, Partnership, Other

4. If Corporation, Does Corporation have more than \$250,000 in business assets in the state?

If "Yes", submit a formal opinion letter from a Florida licensed Certified Public Accountant (CPA) affirming the corporation had more than \$250,000 of business assets during the previous tax year; or in lieu of a formal opinion letter from a CPA you can submit a copy of your **Florida Corporate Income/Franchise Tax Return (Form F-1120)** from the previous tax year.

5. List the Owner(s) of the Establishment and all officers of the corporation, if applicable.

Each person listed below having an ownership interest in the establishment including officers and members of the board of directors must submit to the background screening requirements under **s. 456.0135, F.S.**, unless you answered "Yes" to 3B, pursuant to **480.043, F.S.** Owner/Officer- Title Date of Birth Mailing Address, City, State, Zip Code SSN If 3B is "Yes", please list the owners below and only submit fingerprints for the owner, officer, or individual directly involved in the management of the establishment. Attach additional sheets if necessary

Please attach a copy Alaska Board of Massage Therapy License for each named individual.

- a. Owner/Officer Title, DOB, Address, SSN

6. Liability Insurance

<https://www.amtamassage.org/massage-insurance/coverage-details>

<https://www.abmp.com/massage-liability-insurance>

<https://nacams.org/abmp-insurance/>

<https://www.massage-exam.com/massage-insurance.php>

See Appendix A

7. List any other name(s) by which any owner/officer has been known in the past

8. List any other Health Related Professional Licenses held, present or past

9. Disciplinary History

Has any owner/officer ever been issued a cease and desist agreement or citation for the unlicensed practice of massage therapy or operating an establishment without a license?

Has any owner/officer of the proposed establishment ever had a license or certificate of registration to practice massage therapy or any other licensed profession or a massage establishment license revoked, suspended or otherwise acted against (including but not limited to probation, fine, reprimand, or surrender of a license) in a disciplinary proceeding or in response to an investigation in any state?

Has any owner/officer of the proposed establishment ever had a license or certificate of registration to practice massage therapy or any other licensed profession or a massage establishment license denied for any reason in any state?



Is there currently pending against any owner/officer of the proposed establishment complaint or investigation in any state/jurisdiction for professional conduct or competence?

Has any owner/officer of the proposed establishment ever been a defendant in a civil litigation in which the basis of the complaint against you was an alleged negligence, malpractice, sexual misconduct or fraud?

10. Criminal History (Take from existing application)
11. Release of Information (Take from existing application)
12. CRIMINAL AND MEDICAID/MEDICARE FRAUD QUESTIONS – Do we want to use some of this?

Applicants for licensure, certification or registration and candidates for examination may be excluded from licensure, certification or registration if their felony conviction falls into certain timeframes as established in Section 456.0635(2), Florida Statutes. If you answer “Yes” to any of the following questions, please provide a written explanation for each question including the county and state of each termination or conviction, date of each termination or conviction, and copies of supporting documentation to the board office. Supporting documentation includes court dispositions or agency orders where applicable.

13. Applicant Statement

I/ We do certify that I am/we are the person(s) referred to on the application as the Owner(s) or Corporate representative, if business is incorporated, and I/ We declare that the answers and all statements made by me/ us herein and in support of this application are true and correct. Should I/ we furnish any false information on or in support of this application, I/ we understand that such action shall constitute cause for denial, suspension, or revocation of any license to practice in the state of Florida in the profession for which I am/we are applying. I/ We hereby acknowledge that practice as a licensed Massage Establishment in Florida is governed by Chapters 456 and 480, F.S., and Rule Title 64B7, F.A.C. I/ We understand that it is my/our responsibility to operate this establishment in a safe and sanitary manner and to maintain insurance coverage as required by the Board's rules. I/ We understand that I am/ we are under a continuing obligation to understand and keep informed of any changes to Chapters 456 and 480, F.S., and Rule Title 64B7, F.A.C.

14. CRIMINAL CONVICTION SELF EXPLANATION FORM

This form must be completed if you answer “YES” to any of the criminal history questions on the application. Please complete a separate form for EACH offense. Duplicate this form as necessary.

Name: \_\_\_\_\_ Social Security Number: \_\_\_\_\_ Level of Offense (Circle One):  
Felony Misdemeanor Location of Occurrence: \_\_\_\_\_

City State Date of Offense: \_\_\_\_\_ Date of Sentencing: \_\_\_\_\_

Offense Type (DUI, Battery, Prostitution, etc.): \_\_\_\_\_

Explanation/details surrounding the offense: What happened? What changes have you made? Attach additional sheets as necessary. Sentencing Information: Please list the details of your sentencing (I.e.: probation, jail time, fines/costs, programs completed, etc.) Current Disposition: Please list the current disposition of your sentencing. Don't forget to attach documentation from the Clerk of Court pertaining to the arrest/charges, sentencing due to the arrest and proof of successful completion of your sentencing.

1. ESTABLISHMENT NAME – Full legal name of establishment.

2. DOING BUSINESS AS (DBA) NAME - Write the full DBA name for your business.

What is a “Doing Business As” Name? A fictitious name (or assumed name, trade name or DBA name) is a business name that is different from your personal name, the names of your partners or the officially registered name of your LLC or corporation. It's important to note that when you form a business, the legal name of the business defaults to the name of the person or entity that owns the business, unless you choose to rename it and register it as a DBA name. For example, consider this scenario: John Smith sets up a painting business. Rather than operate under his own name, John instead chooses to name his business: “John Smith Painting”. This name is considered an assumed name and John will need to register it with the appropriate local government agency.

Do I need a DBA name? A DBA is needed in the following scenarios: • Sole Proprietors or Partnerships – If you wish to start a business under anything other than your real name, you'll need to register a DBA so that you can do business as another name.

• Existing Corporations or LLCs – If your business is already set up and you want to do business under a name other than your existing corporation or LLC name, you will need to register a DBA.

3. ESTABLISHMENT PHONE NUMBER - Write the telephone number, including the area code, of the business listed.

4. ESTABLISHMENT FAX NUMBER - Write a fax number, including the area code, where we can send you faxes.

5. EMAIL ADDRESS – By providing my email address I authorize TDLR to send licensing communications and required notices to me by electronic mail. I understand that I may revoke this authorization in writing and that I must update my email address or I will not receive these notices. I understand that the email address I have provided in this application will remain confidential except as permitted or required by law.

6. ESTABLISHMENT MAILING ADDRESS – Write your current mailing address. This is the address where we will send you mail. This address can be a post office box. You can add the zip plus-4 to help the postal service deliver mail more efficiently and accurately.

7. ESTABLISHMENT PHYSICAL ADDRESS - Write the physical address of your facility. A post office box cannot be used for this address. Once your license has been issued, you can only change the business's physical address by applying for a new license.

Per Hawaii

• RELOCATION

If filing for relocation of your current massage therapy establishment, submit the following: • It is your responsibility to keep the Board informed of all address changes. MA-04 1016R (CONTINUED ON PAGE 2) a. Completed application form; b. c. d. e. Non-refundable application fee of \$25.00; A letter signed by the Principal Massage Therapist AND officer, director, partner or member, of the entity, as applicable, that describes the massage therapy activity that will be performed. Include the days and times of operation; A copy of the written agreement with the owner, manager or rental agent of the venue/building citing to their knowledge and authorization for the massage therapy activity. Be sure that the name of the massage therapy establishment is cited in the agreement; A drawing or sketch of the venue/building showing the surrounding area and, if applicable, the stall/booth that the applicant will occupy. The sketch shall show where the restrooms are located. Sketch shall be on non-lined letter sized paper of 8 1/2" x 11".

The following questions pertain to the applicant and any persons (principal massage therapist(s), officers, directors, managers, partners, etc.) responsible for the massage therapy establishment. Answer all questions. If response is "Yes" to questions 4 to 6, refer to the instructions for additional documents that must be submitted with this application.

1. Are you at least 18 years of age? . . . . . Yes No
2. Are you a U.S. citizen, a U.S. national, or an alien authorized to work in the United States? . . Yes No
3. Have you ever held a massage therapy establishment license in Hawaii? . . Yes No
4. Are there any disciplinary actions pending against you? . . Yes No
5. Have any of the owners, officers and directors, partners, managers or members ever been convicted of a crime in any jurisdiction that has not been annulled or expunged? . .Yes No
6. Has any license ever been suspended, revoked or otherwise subject to disciplinary actions? . .Yes No
7. Name under which Lic. was issued:
8. Date of Lic.:
9. Lic. No.:

## Pre-Inspection Checklist

### MASSAGE ESTABLISHMENT PRE-INSPECTION CHECKLIST

2. Comply with all local building code requirements.
3. A bathroom with at least one toilet and one sink with running water, toilet tissue, soap dispenser with soap or other hand cleaning materials, sanitary towels or other hand-drying device, and waste receptacle. Maintain lavatories for hand cleansing and/or a chemical germicidal designed to disinfect and cleanse hands without the use of a lavatory in the treatment room itself or within 20 feet of the treatment area.
4. Establishments located in buildings housing multiple businesses under one roof such as arcades, shopping malls, terminals, hotels, etc., may substitute centralized toilet facilities. Such central facilities shall be within three hundred (300) feet of the massage establishment.
5. Provide for safe and unobstructed human passage in the public areas of the premises
6. Provide for removal of garbage and refuse.
7. Provide for safe storage or removal of flammable materials.

*As used herein "good working condition" means meeting the standards for approval by the State Fire Marshal. Such standards are presently contained in Chapter 69A-21, F.A.C.*

8. Maintain all equipment used to perform massage services on the premises in a safe and sanitary condition, including the regular application of cleansers and bactericidal agents to the massage table.  
*Unless clean sheets, towels, or other coverings are used to cover the massage table for each client, "regular application," as used herein, means after the massage of each client. If clean coverings are used for each client, then "regular application" shall mean at least one time a day and also whenever oils or other substances visibly accumulate on the massage table surface.*
9. Maintain a sufficient supply of clean drapes for the purpose of draping each client while the client is being massaged, and launder before reuse all materials furnished for the personal use of the client, such as drapes, towels and linens.  
*As used herein "drapes" means towels, gowns, or sheets.*
10. If equipped with a whirlpool bath, sauna, steam cabinet and/or steam room, maintain clean shower facilities on the premises.
11. Maintain a fire extinguisher in good working condition on the premises. Exterminate all vermin, insects, termites, and rodents on the premises.
12. Maintain all bathroom and shower facilities and fixtures in good repair, well-lighted and ventilated. Financial responsibility and insurance coverage.
13. Each establishment shall maintain property damage and bodily injury liability insurance coverage. The original or a copy of such policy shall be available on the premises of the establishment.
14. Every massage establishment shall be equipped with an operating telephone located in a common area that is not a massage room for emergency calls.

**You are NOT authorized to operate your establishment until you have been issued a license number.**

## MESSAGE ESTABLISHMENT APPLICATION CHECKLIST

Keep a copy of the completed application for your records.

\* The owner(s) or corporation(s) are/is required to maintain property damage and bodily injury liability insurance coverage on the massage establishment.

- Proof of insurance MUST list the exact business name, address and owner(s) of the establishment as listed on the application.

- Only the licensed massage therapist who is the owner of the establishment may use insurance from a professional association to satisfy this requirement for establishment licensure.

- For more information regarding types of insurance please contact a licensed insurance agent directly.

Application completed (all questions answered)

Application signed

Correct fee attached

Articles of Incorporation from the Secretary of State (if applicable)

Fingerprints have been submitted via livescan for all officers and owners

Attestation for Business Taxable Assets of \$250,000 (if applicable)

Documentation required for any "Yes" answers on application

Proof of Insurance

## SELF INSPECTION REQUIREMENTS **for discussion**

### General Requirements.

**A. On a form provided by the department the establishment owner inspects and attest compliance with operations:**

(1) Standards of Practice and Code of Ethics is displayed in a location available to the public

(2) Display in a full public view place the massage establishment license and all massage therapist licenses

(3) **A written and/or digital system of maintaining client records** for at least three (3) years. Standard HIPAA compliance

(4) Shall maintain proof that the massage therapy establishment location or premises has current general liability insurance; Coverage Limits? See Appendix A

(5) Maintain all equipment pertaining to the practice of massage therapy used to perform massage therapy services on the premises in a safe and sanitary condition;

**Tennessee!! Missouri , texas – See previous page**

(6) Maintain compliance with all applicable state and local building and fire codes

(7) Provide for the removal of garbage and refuse in a sanitary manner

(8) Provide for safe storage or removal of soiled linens as per universal and standard precaution practices.

(9) Rooms or any cubicle for massage or massage therapy practices are not equipped with an externally locking door.

**(10) Tennessee!!! Research – See previous page**

**Rest room facilities shall include at least one sink with hot and cold running water and shall be equipped with a soap dispenser with soap or other hand cleaning materials, clean towels or other hand-drying device such as a wall-mounted electric blow dryer, and waste receptacle. Hand cleansing capabilities for the therapists must be located within twenty (20) feet of the treatment area.**

**Utah – See previous**

Each massage facility and temporary massage facility shall have a toilet and a hand-washing sink with hot and cold water accessible to patrons provided with soap and single-use towels.

**(10) Establishment owners shall provide for safe and unobstructed human passage in the public areas of the premises, -- See Previous page**

MESSAGE ESTABLISHMENT LICENSE RENEWAL

Complete this application and return it with the required non-refundable application fee.

The application must be completed and signed by the applicant.

An application is not considered complete and will not be processed until all required items have been submitted.

All information provided must be typed or printed in black ink.

DOCUMENTS SUBMITTED WITH YOUR APPLICATION WILL NOT BE RETURNED. KEEP A COPY OF YOUR COMPLETED APPLICATION, ALL ATTACHMENTS, AND YOUR CHECK OR MONEY ORDER. DO NOT SEND CASH.

1. ESTABLISHMENT NAME – Full legal name of establishment.
2. DOING BUSINESS AS (DBA) NAME - Write the full DBA name for your business.
3. ESTABLISHMENT NUMBER – Enter your current license number.
4. EMAIL ADDRESS – By pro TDLR Form MAS006 rev May 2018

DO NOT WRITE ABOVE THIS LINE

RENEWAL FEE: \$200 (FEE IS NON-REFUNDABLE)

The renewal application fee for a massage therapy establishment that is located at a massage school primary instructional location or approved additional location is \$100 (Fee Non-Refundable) This completed form must be accompanied by the renewal fee.

1. Establishment name:
2. DBA Name: (if applicable)
3. Establishment License Number:
4. Email Address:

5. Establishment Phone Number: Ex: johndoe@aol.com See Instruction Sheet for Disclosure Information Area Code Number

6. Business Mailing Address: (P.O. Box, Number, Street Name/Apartment Number) City State Zip Code

7. Establishment Physical Address (Number, Street Name/Apartment Number) City State Zip Code

8. List all owners, officers, directors and registered agents of the establishment (Use additional sheets, if necessary)

Name: Last First Middle Name Gender: Male Female Date of Birth: Social Security Number: Position or Title: Phone Number:

Name: Last First Middle Name Gender: Male Female Date of Birth: Social Security Number: Position or Title: Phone Number:

Name: Last First Middle Name Gender: Male Female Date of Birth: Social Security Number: Position or Title: Phone Number:

9. CERTIFYING STATEMENT

I certify that I have read and will comply with all applicable laws and rules of the Massage Therapy Program including Texas Occupations Code, Chapter 51 and 455; and administrative rules under 16 Texas Administrative Code, Chapters 60 and 117.

I understand that providing false information on this application may result in denial of this application and/or revocation of the certification

Signature of Applicant

Date

# Lunch

# Consultation with LAW on CBD Oil

Joan Wilson



# LAWS OF ALASKA

2018

**Source**

HCS CSSB 6(FIN)(efd add H)

**Chapter No.**

\_\_\_\_\_

**AN ACT**

Relating to the regulation and production of industrial hemp; relating to industrial hemp pilot programs; providing that industrial hemp is not included in the definition of "marijuana"; providing that cannabidiol oil is not included in the definition of "hashish oil"; clarifying that adding industrial hemp to food does not create an adulterated food product; and providing for an effective date.

\_\_\_\_\_

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

THE ACT FOLLOWS ON PAGE 1





AN ACT

1 Relating to the regulation and production of industrial hemp; relating to industrial hemp pilot  
2 programs; providing that industrial hemp is not included in the definition of "marijuana";  
3 providing that cannabidiol oil is not included in the definition of "hashish oil"; clarifying that  
4 adding industrial hemp to food does not create an adulterated food product; and providing for  
5 an effective date.

6

7 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
8 to read:

9 LEGISLATIVE INTENT. It is the intent of the legislature that the legislature  
10 reevaluate the regulation of industrial hemp, as provided under this Act, in seven years.

11 \* **Sec. 2.** AS 03.05.010 is amended to read:

12 **Sec. 03.05.010. Powers and duties of commissioner of natural resources.**

13 (a) The commissioner of natural resources shall

1 (1) direct, administer, and supervise promotional and experimental  
2 work, extension services, and agricultural projects for the purpose of promoting and  
3 developing the agricultural industry within the state, including such fields as  
4 horticulture, dairying, cattle raising, fur farming, grain production, vegetable  
5 production, and development of other agricultural products;

6 (2) procure and preserve all information pertaining to the development  
7 of the agricultural industry and disseminate that information to the public;

8 (3) assist prospective settlers and others desiring to engage in the  
9 agricultural industry in the state with information concerning areas suitable for  
10 agriculture and other activities and programs essential to the development of the  
11 agricultural industry in the state;

12 (4) review the marketing, financing, and development of agricultural  
13 products inside the state including transportation, with special emphasis on [UPON]  
14 local production, and negotiate for the marketing of agricultural products of the state  
15 with federal and state agencies operating in the state;

16 (5) regulate and control the entry into the state and the transportation,  
17 sale, or use inside the state of plants, seeds, vegetables, shell eggs, fruits and berries,  
18 nursery stock, animal feeds, remedies and mineral supplements, fertilizers, and  
19 agricultural chemicals in order to prevent the spread of pests, diseases, or toxic  
20 substances injurious to the public interest, and to protect the agricultural industry  
21 against fraud, deception, and misrepresentation; in this connection, the commissioner  
22 may require registration, inspection, and testing, and establish procedures and fees;

23 (6) regulate the farming of elk in a manner similar to the manner in  
24 which the commissioner regulates domestic animals and livestock, to the extent that is  
25 appropriate;

26 (7) **adopt regulations relating to industrial hemp, including**  
27 **regulations that**

28 **(A) specify approved sources or varieties of hemp seed to be**  
29 **grown, sold, or offered for sale by an individual registered to produce**  
30 **industrial hemp;**

31 **(B) require testing, paid for by the registrant, for delta-9-**

1 tetrahydrocannabinol concentration following harvest of the industrial  
2 hemp;

3 (C) provide for general production practices to avoid the  
4 unintended distribution of industrial hemp seeds by registrants into  
5 nonagricultural land;

6 (D) establish isolation distances for the production of  
7 industrial hemp; in this subparagraph, "isolation distance" means the  
8 minimum separation required between two or more varieties of the plant  
9 (genus) Cannabis for the purpose of keeping the seed pure;

10 (8) submit a list of individuals registered to produce industrial  
11 hemp under AS 03.05.076 and the expiration dates of the registrations to the  
12 Marijuana Control Board and the Department of Public Safety [REPEALED].

13 (b) To carry out the requirements of this title, the commissioner of natural  
14 resources may issue orders, regulations, quarantines, and embargoes relating to

15 (1) examination and inspection of premises containing products,  
16 articles, and commodities carrying pests;

17 (2) establishment of quarantines for eradication of pests;

18 (3) establishment of standards and labeling requirements pertaining to  
19 the sale of agricultural and vegetable seeds;

20 (4) tests and analyses that [WHICH] may be made and hearings that  
21 [WHICH] may be held to determine whether the commissioner will issue a stop order  
22 or quarantine;

23 (5) cooperation with federal and other state agencies; and

24 (6) industrial hemp.

25 \* **Sec. 3.** AS 03.05.010 is amended by adding a new subsection to read:

26 (c) The commissioner of natural resources shall issue a stop order to any  
27 person who is found to be producing a plant product with delta-9-tetrahydrocannabinol  
28 over 0.3 percent, regardless of whether the person is registered under AS 03.05.076.  
29 The commissioner of natural resources shall notify the Marijuana Control Board and  
30 the Department of Public Safety when the commissioner issues a stop order.

31 \* **Sec. 4.** AS 03.05 is amended by adding new sections to read:

1           **Sec. 03.05.076. Industrial hemp.** (a) Industrial hemp is an agricultural crop in  
2 the state. An individual who produces industrial hemp shall apply to the department  
3 for registration under this section. Registration is valid for one year but may be  
4 renewed. An application for registration or renewal must be on a form prescribed by  
5 the department that includes

6                           (1) the name and address of the applicant;

7                           (2) the address and global positioning system coordinates of the area to  
8 be used for the production of industrial hemp.

9           (b) An individual registered under this section may

10                           (1) produce industrial hemp, including growing, harvesting,  
11 possessing, transporting, processing, selling, or buying industrial hemp;

12                           (2) use any propagation method, including planting seeds or starts or  
13 using clones or cuttings to produce industrial hemp;

14                           (3) retain industrial hemp seeds for the purpose of propagating  
15 industrial hemp in future years;

16                           (4) retain and recondition any industrial hemp that tests between 0.3  
17 percent and one percent delta-9-tetrahydrocannabinol on a dry-weight basis.

18           (c) An individual registered under this section shall

19                           (1) comply with testing standards and procedures established by the  
20 commissioner by regulation;

21                           (2) maintain, for at least three years following the sale or transfer of  
22 industrial hemp, records showing

23   (A) the name and address of the person that received the  
24 industrial hemp;

25   (B) the amount of industrial hemp transferred;

26                           (3) make the records required under (2) of this subsection available for  
27 inspection by the department during normal business hours if the department provides  
28 at least three days' notice before inspecting the records.

29           (d) The department shall

30                           (1) establish fee levels for application, registration, and renewal of  
31 registration so that the total amount of fees collected under this section approximately

1 equals the regulatory costs for regulating the industrial hemp industry;

2 (2) annually review each fee level to determine whether the regulatory  
3 cost of industrial hemp is approximately equal to the fees collected;

4 (3) notify the Marijuana Control Board and the Department of Public  
5 Safety when the department issues a stop-sale order and issues a violation notice under  
6 this section;

7 (4) require an individual registered under this section whose industrial  
8 hemp tests over one percent delta-9-tetrahydrocannabinol to destroy the product so  
9 that it cannot be used for the purpose of reconditioning other hemp crops or gifted or  
10 transferred to another individual other than for the purpose of having the industrial  
11 hemp destroyed in full form.

12 (e) The department may

13 (1) issue a stop-sale order and issue a violation notice to a person who  
14 is producing industrial hemp without a current registration;

15 (2) adopt regulations regarding approved shipping documentation for  
16 the transportation of industrial hemp;

17 (3) conduct random tests and inspections of industrial hemp for delta-  
18 9-tetrahydrocannabinol concentration produced by an individual registered under this  
19 section.

20 (f) The department, an individual registered under this section, or any  
21 institution of higher education may import into the state and resell industrial hemp  
22 seeds.

23 (g) Industrial hemp products intended for human consumption may not exceed  
24 0.3 percent delta-9-tetrahydrocannabinol.

25 (h) Producing industrial hemp without a registration issued under this section  
26 is a violation punishable by a fine of \$500.

27 **Sec. 03.05.077. Industrial hemp pilot program.** (a) The department or an  
28 institution of higher education in the state may create and administer an agricultural  
29 pilot program to study the growth, cultivation, or marketing of industrial hemp.

30 (b) An institution of higher education in the state, the division of the  
31 department with responsibility for agriculture, or an individual registered under

1 AS 03.05.076 may participate in an agricultural pilot program created under (a) of this  
2 section or engage in industrial hemp research.

3 (c) The department may adopt regulations to implement this section.

4 **Sec. 03.05.078. Transportation of industrial hemp.** (a) An individual  
5 registered under AS 03.05.076 shall have a copy of the individual's registration in  
6 immediate possession at all times when transporting industrial hemp and shall present  
7 the copy of the registration for inspection upon the demand of a peace officer or other  
8 authorized representative of the department. An individual may display a copy of the  
9 individual's registration on a mobile electronic device.

10 (b) Displaying proof of registration on a mobile electronic device under this  
11 section does not constitute consent for a peace officer or other authorized  
12 representative of the department to access other contents of the mobile electronic  
13 device.

14 (c) An individual who violates (a) of this section is guilty of a violation.

15 **Sec. 03.05.079. Production in violation of delta-9-tetrahydrocannabinol**  
16 **limit.** Notwithstanding AS 11.71.040 - 11.71.060, an individual registered under  
17 AS 03.05.076 to produce industrial hemp whose product has a delta-9-  
18 tetrahydrocannabinol content between 0.3 percent and one percent is guilty of a  
19 violation.

20 \* **Sec. 5.** AS 03.05.100 is amended by adding a new paragraph to read:

21 (5) "industrial hemp" means all parts and varieties of the plant  
22 Cannabis sativa L. containing not more than 0.3 percent delta-9-tetrahydrocannabinol.

23 \* **Sec. 6.** AS 11.71.900(11) is amended to read:

24 (11) "hashish oil" means the viscous liquid concentrate of  
25 tetrahydrocannabinols extracted from the plant (genus) Cannabis, **but does not**  
26 **include cannabidiol oil;**

27 \* **Sec. 7.** AS 11.71.900(14) is amended to read:

28 (14) "marijuana" means the seeds, and leaves, buds, and flowers of the  
29 plant (genus) Cannabis, whether growing or not; it does not include the resin or oil  
30 extracted from any part of the plants, or any compound, manufacture, salt, derivative,  
31 mixture, or preparation from the resin or oil, including hashish, hashish oil, and natural

1 or synthetic tetrahydrocannabinol; it does not include the stalks of the plant, fiber  
2 produced from the stalks, oil or cake made from the seeds of the plant, any other  
3 compound, manufacture, salt, derivative, mixture, or preparation of the stalks, fiber,  
4 oil or cake, or the sterilized seed of the plant **that** [WHICH] is incapable of  
5 germination; **it does not include industrial hemp as defined in AS 03.05.100;**

6 \* **Sec. 8.** AS 11.71.900 is amended by adding a new paragraph to read:

7 (31) "cannabidiol oil" means the viscous liquid concentrate of  
8 cannabidiol extracted from the plant (genus) Cannabis containing not more than 0.3  
9 percent delta-9-tetrahydrocannabinol.

10 \* **Sec. 9.** AS 17.20.020 is amended by adding a new subsection to read:

11 (e) Food is not adulterated under this section solely because it contains  
12 industrial hemp, as defined in AS 03.05.100, or an industrial hemp product.

13 \* **Sec. 10.** AS 17.38.900(10) is amended to read:

14 (10) "marijuana" means all parts of the plant of the genus cannabis  
15 whether growing or not, the seeds thereof, the resin extracted from any part of the  
16 plant, and every compound, manufacture, salt, derivative, mixture, or preparation of  
17 the plant, its seeds, or its resin, including marijuana concentrate; "marijuana" does not  
18 include fiber produced from the stalks, oil [,] or cake made from the seeds of the plant,  
19 sterilized seed of the plant **that** [WHICH] is incapable of germination, [OR] the  
20 weight of any other ingredient combined with marijuana to prepare topical or oral  
21 administrations, food, drink, or other products, **or industrial hemp as defined in**  
22 **AS 03.05.100;**

23 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
24 read:

25 REPORT ON INDUSTRIAL HEMP. On or before December 1, 2024, the Department  
26 of Natural Resources shall provide a written report to the legislature on the regulation of  
27 industrial hemp. The department shall deliver the report to the senate secretary and the chief  
28 clerk of the house of representatives not later than December 1, 2024, and notify the  
29 legislature that the report is available. The report must include

30 (1) the total number, for each of the previous seven calendar years and the  
31 combined total for the previous seven years, of



- 1 (A) individuals registered in the state to produce industrial hemp;
- 2 (B) violations that occurred; and
- 3 (C) stop orders issued;
- 4 (2) the total amount of industrial hemp grown for each of the previous seven
- 5 calendar years and the combined total for the previous seven years; and
- 6 (3) a summary of the economic effects of the regulation of industrial hemp for
- 7 the state.

8 \* **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).

367 categories and modalities are and basic information that we want all therapists to be competent in  
368 knowing. That would cover all things that we be in a state test. And then they have a Level 2  
369 training that could be either an apprenticeship program with a bit of continuing ed or more  
370 continuing ed. where you would go into your specific training if you wanted to specialize your  
371 career. Otherwise, the apprenticeship program that they had made it so that you would be with a  
372 therapist that would be a licensed massage therapist for a minimum of two years. Every therapist  
373 could have two apprentices. There was also a limit on the number of conglomerations that you  
374 could have, like, you could have a massage establishment with three massage therapists working and  
375 each one of those were allowed to have two massage apprentices. Anyway, the board can look into  
376 the details of that but it may be something we would want to entertain 'cause it was a really nice way  
377 to incorporate new therapists into working area of massage therapy. I thought it was a really nice  
378 way to enter into it all and I think it might work well for Alaska. I forget what the other statement I  
379 wanted to make was...thank you for your time and efforts in all of these matters.”

380  
381 Board Chair Edwards-Smith thanked Lisa for her public comment. Seeing no one else signed up for  
382 public comment, the board moves on to other business. The board found themselves with 15  
383 minutes before the next scheduled agenda item. They decided to take this time to review the 6  
384 applications in their file.

385  
386 *Chair Edwards-Smith called a short break at 1:22 p.m.*  
387 *Back on the record at 1:31 p.m.*

388  
389 **Agenda Item 12** **Use of CBD Oil**

390  
391 *In addition to all board members, joining the meeting at 1:32 p.m. are Regulations Specialist Jun Maiquis, Rob*  
392 *Carter with the Department of Natural Resources (DNR), and Director Erika McConnell with the Alcohol and*  
393 *Marijuana Control Office (AMCO).*

394  
395 Chair David Edwards-Smith begins the discussion with some history on the board meetings and to  
396 state that the board's current position is that the board doesn't have the authority to regulate  
397 whether massage therapists could use cannabidiol (CBD) oils. He referenced the Standards of  
398 Practice and Code of Ethics that massage therapists must practice with consultation and permission  
399 of the client. There are currently massage therapists in Alaska that are promoting CBD Oil Massage  
400 and Mr. Edwards- Smith wants to know the legality of using the substance.

401  
402 Board member Traci Gilmour joins the discussion by stating that CBD is available commercially;  
403 nation-wide and online. Board member Rebecca McCoy states that she sells CBD oil in her shop  
404 for human and pet consumption since there is nothing that prohibits her from selling it in her retail  
405 store.

406  
407 Director of AMCO, Erika McConnell gives a brief history of marijuana and its products to the  
408 board:

- 409
- 410 • Prior to April 13, 2018, all products made from *Cannabis Sativa L* were defined as marijuana  
411 and were subject to the restrictions and requirements of AS 17.30.08 which governs  
412 commercial marijuana establishments and established the Marijuana Control Board.  
413 Everything that came from the plant was under the jurisdiction of the Marijuana Control  
Board (MCB) with minor exceptions.

- 414 • While AMCO has seized some unregulated CBD, the board has directed staff (because of  
415 limited resources) to focus enforcement efforts on licensees and unlicensed businesses that  
416 are selling conventional marijuana rather than focusing on health food stores and retail  
417 establishments selling CBD.
- 418 • On April 13, 2018, Senate Bill 6 became law. That bill changed the definition of marijuana  
419 to carve out industrial hemp. It defined industrial hemp as “all parts and varieties of the  
420 plant *Cannabis Sativa L* containing not more than 0.3% of Delta 9 THC  
421 (tetrahydrocannabinol).”
- 422 • SB 6 also created a regulatory program for industrial hemp that is under the purview of the  
423 Department of Natural Resources which would remove CBD from the jurisdiction of  
424 AMCO.
- 425 • On a final note, once CBD oil is created, it is impossible to know if it came from industrial  
426 hemp or marijuana. When extracts of industrial hemp are concentrated, you can end up with  
427 a product that has more THC than expected. The Department of Law has determined that  
428 industrial hemp may only be grown, processed, and marketed through the DNR program  
429 and that it is not to be imported from other places. It is known that CBD is available from a  
430 variety of markets and in various products.

431  
432 Rob Carter from Department of Natural Resources (who is currently drafting regulation for  
433 industrial hemp) shares some insights:

- 434 • SB 6 has outlined the identification and the process of industrial hemp and industrial hemp  
435 products. Industrial hemp and industrial hemp products are grown, manufactured, and  
436 offered for sale because prior to the 2014 Farm Bill (Agricultural Act of 2014), industrial  
437 hemp (including its plants and plant parts) were federally illegal. Technically even this bill  
438 did not legalize industrial hemp, production, or marketing of any of its plant parts unless an  
439 individual state has, on law, has an industrial hemp pilot program that is regulated by each  
440 individual state.
- 441 • SB 6 has provided the law and now the Department of Agriculture is building the regulatory  
442 framework for a pilot program that will allow for registrations for production, cultivation,  
443 and marketing of plant, plant parts, and extracts such as CBD.
- 444 • Currently, any CBD or industrial hemp plant or plant part that is within the state is  
445 technically illegal.
- 446 • Alaska has SB 6 but it has not been interpreted into regulation yet. Once regulations are  
447 finished, they will be out for public comment and anyone who wants to produce, cultivate,  
448 or market plants or plants parts (such as CBD oil products) are encouraged to comment. SB  
449 6 did not mandate a deadline for regulations but did have an immediate effective date to  
450 allow DNR to draft regulation.
- 451 • All industrial hemp products will need to meet or exceed Alaska’s testing standards before  
452 they will be allowed to be offered for sale or transport within the state.

453  
454 Chair Edwards-Smith clarifies by stating that once regulation is in place, any massage therapist  
455 looking to use CBD oil in a massage, would need to register with DNR to market the product and  
456 be in compliance with the law. DNR will have to provide a list of registrants to the Department of  
457 Public Safety (DPS) and AMCO each year. Mr. Carter goes on to offer to provide the list of  
458 registrants each year to the Board of Massage Therapists as a courtesy.

459

460 Board member Ron Gibbs brings up the question of: Does the board want to start regulating the  
461 topical lotions/oils that a therapist uses? He feels since there is another agency that would oversee  
462 CBD oils, there would be no need to over-regulate. Board member Jill Motz wonders if the board  
463 has a culpability or a responsibility to keep the public safe in this regard. If licensees are breaking  
464 the law in the course of providing massage therapy, where is the boards role?

465 The board requests that an FAQ be drafted on the subject on CBD with a link to Alaska Plant  
466 Materials Center and the Department of Law Consumer Advisory on Unregulated CBD Oil. Board  
467 member Jill Motz requests that in addition to the FAQ, a mass e-mail be sent out to licensees on this  
468 subject. The board discusses that, while they do not normally send out e-mail notifications because  
469 they trust that licensees will take on the personal responsibility to obey the law and keep themselves  
470 educated, since they have already decided to send out a mass e-mail on continuing education date  
471 ranges, the CBD information can be included in that e-mail.

472  
473 The board thanks both Ms. McConnell and Mr. Carter for joining the meeting and providing such  
474 important information.

475  
476 *Rob Carter and Erika McConnell left the meeting at 1:59 p.m.*

477  
478 **Agenda Item 14 (continued)**                      **Administrative Business**

479  
480 *Chair Edwards-Smith calls a short recess at 2:00 p.m.*

481 *Back on the record at 2:04 p.m.*

482  
483 **Review Applications**

484  
485 The board takes time to review the 6 applications put before them today.

486  
487 **In a motion duly made by Traci Gilmour, seconded by Jill Motz, it was RESOLVED to**  
488 **ENTER into Executive Session in accordance with AS 44.62.310(c), and Alaska**  
489 **Constitutional Right to Privacy Provisions, for the purpose of discussing “matters which by**  
490 **law, municipal charter, or ordinance are required to be confidential”. OLE Dulebohn to**  
491 **remain during Executive Session.**

492  
493 *Off the record at 2:05p.m.*

494 *Back on record from Executive Session at 2:21 p.m.*

495  
496 **Agenda Item 13**                                      **Review Drafted Regulations**

497  
498 *Meeting is joined by Regulations Specialist Sber Zinn at 2:22 p.m.*

499  
500 **Code of Conduct**

501  
502 The board discusses the update to Code of Ethics #8 in regard to sexual advertising and it's  
503 regulation. Ms. Zinn states that she consulted Assistant Attorney General Harriet Milks when it  
504 came to regulating advertising of massage establishments and was informed that board has the  
505 authority to regulate advertising. Ms. Zinn goes on to say that if the board has the authority to  
506 regulate advertising for an establishment then they also have the authority to regulation advertising  
507 for individual massage therapists. Board Member Ron Gibbs interjects that there could be a



January 30, 2019

Dear licensed massage therapists:

The Alaska Board of Massage Therapists would like to improve our direct communication with licensees and the general public. As a developing board, we have occasionally struggled to effectively convey our challenges, goals, and objectives. We welcome licensees to all public meetings of the board, which are posted in advance on our website. During our next meeting, scheduled for February 28 – March 1, we are scheduling an open question and answer forum to create a dynamic dialogue between the board and the licensees. We look forward to the opportunity to address any questions you may have to help provide clarity to licensees and the general public.

#### **Alaska Licensed Massage Therapists and CBD Oil**

In the December 2018 teleconference meeting, the Board of Massage Therapists sought clarification on the legality of CBD oil in response to questions we received from the public and licensees. The Board was informed that CBD oil is not officially legal until the regulatory framework established by the passage of SB6, an Industrial Hemp bill is completed by the Department of Natural Resources.

The board understands that CBD is currently readily available and is being used in conjunction with massage therapy. The board does not intend to prioritize complaint cases of licensed massage therapists' use of lotions or oils unless a significant impact to life, health, and safety such as a severe allergic or psychotropic reaction has been demonstrated. CBD oil complaint cases are seen as a poor use of division resources and licensing fees by this board. We seek only to advise caution until the regulatory process is in place and to urge licensees and clients to read the alert issued by the Alaska Department of Law prior to use of CBD oil:

[http://law.alaska.gov/press/consumer\\_alerts/2018/1118-CBDoil.html](http://law.alaska.gov/press/consumer_alerts/2018/1118-CBDoil.html).

If and when a complaint is filed regarding the use of illegal lotions or oils, the board is obligated to uphold the regulation included in the Standards of Practice requiring licensees to obey all applicable local, state and federal laws when pertaining to massage therapy.

David Edwards-Smith

A handwritten signature in blue ink, appearing to read "David Edwards-Smith".

Chair Alaska Board of Massage Therapists



## MEMORANDUM

TO: Members of CBPL Boards and Commissions

DATE: January 11, 2019

FROM: Sara Chambers  
Acting Division Director

RE: Use of CBD oil in licensed  
practice

Since the passage of Senate Bill 6 in Alaska, several boards have asked questions regarding the use of cannabidiol (CBD) oil as part of a licensee's professional practice. Neither SB6 nor the recently signed Farm Bill of 2018 addresses the use of CBD oil on patients. This is a rapidly evolving area, and boards should encourage licensees to use caution.

The Alaska Department of Natural Resources, Division of Agriculture has stated it will issue regulations that will create an industrial hemp pilot program in Alaska that is intended in part to verify that all product marketed as CBD oil in Alaska does not exceed the permissible THC threshold of .3 percent. Until then, professional licensing boards should consider how the use of untested CBD oil may impact consumers.

This division and the Alaska Department of Law recommend that boards and licensees review the following sources:

- Advisory from the Department of Law's Consumer Protection Unit: [http://law.alaska.gov/press/consumer\\_alerts/2018/1118-CBDoil.html](http://law.alaska.gov/press/consumer_alerts/2018/1118-CBDoil.html)
- Division of Agriculture's frequently asked questions on industrial hemp: <http://plants.alaska.gov/industrialhempFAQs.htm>.

Both sources raise concerns that a product marketed as CBD oil from industrial hemp may actually be CBD oil from marijuana. For this reason, we recommend caution and patience.

**From:** [Chambers, Sara C \(CED\)](#)  
**To:** [stgilmour@gci.net](mailto:stgilmour@gci.net)  
**Cc:** [Hannasch, Dawn K \(CED\)](#); [Dulebohn, Dawn L \(CED\)](#); [Francois, Greg A \(CED\)](#)  
**Subject:** RE: MAS- CBD Clarifications  
**Date:** Thursday, January 17, 2019 12:13:08 PM

---

Thank you, Traci. The board's decision to move forward with an instruction relating to CBD oil forced further discussion among licensees, the division, and related agencies. Had the board not voted to adopt a position on CBD oil, we likely would not be spending this level of time and resources on it.

I have advised the board through Dawn of our division's investigative priorities and look forward to that message being carried forward in a subsequent email.

Sincerely,

Sara Chambers  
*Acting Director*

**Alaska Division of Corporations, Business and Professional Licensing**

P.O. Box 110806, Juneau, AK 99811-0806

[commerce.alaska.gov/web/cbpl](http://commerce.alaska.gov/web/cbpl)

Phone: (907) 465-2144

FAX: (907) 465-2974

---

**From:** Dulebohn, Dawn L (CED)  
**Sent:** Thursday, January 17, 2019 11:41 AM  
**To:** Chambers, Sara C (CED) <[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)>  
**Cc:** Hannasch, Dawn K (CED) <[dawn.hannasch@alaska.gov](mailto:dawn.hannasch@alaska.gov)>  
**Subject:** FW: MAS- CBD Clarifications

Hello Sara,

Please see the following e-mail correspondence from Traci Gilmour.

Best Regards,

*Dawn Dulebohn*

Licensing Examiner  
Board of Massage Therapists  
Corporations, Business, and Professional Licensing  
P.O. Box 110806  
Juneau, AK 99811-0806  
PH: 907-465-3811  
Fax: 907-465-2974  
[Board of Massage Therapists Webpage](#)

[Dawn.Dulebohn@alaska.gov](mailto:Dawn.Dulebohn@alaska.gov)

---

**From:** stgilmour [<mailto:stgilmour@gci.net>]  
**Sent:** Thursday, January 17, 2019 8:21 AM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** RE: MAS- CBD Clarifications

Yes, please.

Sent from my Guardian of the Galaxy Tab A

----- Original message -----

From: "Dulebohn, Dawn L (CED)" <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
Date: 1/17/19 7:57 AM (GMT-09:00)  
To: Scott and Traci <[stgilmour@gci.net](mailto:stgilmour@gci.net)>  
Subject: RE: MAS- CBD Clarifications

Would you like me to forward this e-mail on to Sara Chambers and include it in the board agenda for Feb/March?

Dawn

---

**From:** Scott and Traci [<mailto:stgilmour@gci.net>]  
**Sent:** Wednesday, January 16, 2019 8:14 PM  
**To:** Dulebohn, Dawn L (CED) <[dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov)>  
**Subject:** Re: MAS- CBD Clarifications

So, I'm not sure why the Division, Department or Board should be engaging Law on this topic. We do not endorse nor deny the use of Essential Oils, CBD, lotions, aromatherapy or supplements of any kind. This has little to do with the Board or our jurisdiction over therapists.

I am less than happy that LMT \$\$'s are being spent on conversations with Law when we did not encourage this discussion nor have any power over what DNR, Law or the legislators do in regards to a supplement that is used by many people in many situations, not just massage.

Thanks so much,

Traci

On 1/16/2019 10:28 AM, Dulebohn, Dawn L (CED) wrote:



**From:** [stgilmour](#)  
**To:** [Dulebohn, Dawn L \(CED\)](#)  
**Subject:** RE: MAS- CBD Clarifications  
**Date:** Thursday, January 17, 2019 8:21:04 AM

---

Yes, please.

Sent from my Guardian of the Galaxy Tab A

----- Original message -----

**From:** "Dulebohn, Dawn L (CED)" <dawn.dulebohn@alaska.gov>  
**Date:** 1/17/19 7:57 AM (GMT-09:00)  
**To:** Scott and Traci <stgilmour@gci.net>  
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**Subject:** Re: MAS- CBD Clarifications

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I am less than happy that LMT \$\$'s are being spent on conversations with Law when we did not encourage this discussion nor have any power over what DNR, Law or the legislators do in regards to a supplement that is used by many people in many situations, not just massage.

Thanks so much,

Traci

On 1/16/2019 10:28 AM, Dulebohn, Dawn L (CED) wrote:



January 4, 2018

Re: CBD Usage and Continuing Education Requirements for 2017-2019 Renewals

Dear Licensed Massage Therapists,

The Board of Massage Therapists is always striving to keep their licensee base informed. In keeping with that tradition, please see the following information on CBD and Continuing Education in Alaska.

In the board's meeting on December 6-7, 2018, Director Erika McConnel with the Alcohol and Marijuana Control Office (AMCO) and Rob Carter with the Department of Natural Resources (DNR) were welcomed to educate the board on CBD oil and its current legal status in Alaska.

#### The Board & CBD

- The board does not regulate any topical oils or lotions that a licensed massage therapist uses **but** statutes and regulations do require that licensed massage therapists "obey all applicable local, state, and federal laws when pertaining to massage therapy" (12 AAC 79.900, Standards of Practice #1).
- The board has the authority to discipline anyone who does not obey statutes and regulations, up to and including revocation of your license (AS 08.61.060).

#### CBD Information:

- With the passage of SB 6 on April 13, 2018, the Industrial Hemp Pilot Program was born. All parts and varieties of the plant Cannabis Sativa L containing not more than 0.3% of Delta 9 tetrahydrocannabinol (THC) (which is CBD) are now classified as industrial hemp and are under the purview of the Department of Natural Resources (removing it from the jurisdiction of the Alcohol Marijuana Control Office).
- Regardless of the fact that CBD is readily available and there has been a statute passed allowing regulations to be written, **there is currently no regulatory framework for CBD and it is illegal in Alaska until those regulations have been adopted.**
- The regulatory framework being built by the Department of Natural Resources will allow for registration for production, cultivation, and marketing of plant, plant parts, and extracts such as CBD.
- **Cannabidiol (CBD) is illegal in Alaska.**
- Once regulations are finished, they will be put out for public comment.
- Department of Agriculture- Industrial Hemp Pilot Program FAQ link: <http://plants.alaska.gov/industrialhempFAQs.htm>
- Department of Law- Consumer Alert on CBD Oils link: [http://www.law.state.ak.us/press/consumer\\_alerts/2018/1118-CBDoil.html](http://www.law.state.ak.us/press/consumer_alerts/2018/1118-CBDoil.html)
- Questions or comments about the Industrial Hemp Pilot Program and/or the progress of regulations regarding this topic should be sent to: [industrialhemp@alaska.gov](mailto:industrialhemp@alaska.gov)

Please report anyone using, distributing, advertising or selling CBD oil, products, or massages by going to: <https://www.commerce.alaska.gov/web/cbpl/Investigations.aspx> and filling out a Request for Contact Form or calling 907-269-8174

### Continuing Education (2017-2019):

Massage Therapists licenses will be expiring September 30, 2019. The Division of Corporations, Business, and Professional Licensing strive to send out reminder notices at least 90 days in advance of license expiration. Licensees will have the ability to renew their license starting June 1, 2019.

- All licensed massage therapists must complete 16 hours\* of continuing education for the 2017-2019 licensing period between October 1, 2017 and September 30, 2019.
- All continuing education must be completed prior to the submission of renewal application.
- Please review the “Unacceptable Continuing Education List” available on the board’s website prior to taking courses.  
<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMassageTherapists.aspx>
- Continuing education must be completed through a:
  - Board approved massage therapy or bodywork therapy school or training program
  - Regionally or nationally accredited institution of higher education...approved by the board as directly related to the skills and knowledge required for the practice of massage therapy (and includes a bloodborne pathogens/universal precautions course)
  - Local, state, or national professional organization that serves the massage therapy profession such as ABMP, AMTA, FSMTB, NCBTMB)
- CE Certificates must have:
  - Name of the licensee
  - Amount of continuing education credit awarded
  - Description of the continuing education
  - Dates of actual participation or successful completion
  - Name, mailing address, and signature of the instructor, sponsor, or other verifier.
- There will be a random audit of licensees after the renewal period has ended on September 30, 2019. If the continuing education requirement has not been met, the board could impose disciplinary sanctions such as remedial classes, fines, consent agreements and letters of disciplinary action.
- Records must be kept for 4 years from the date hours were obtained.

*\*According to 12 AAC 79.210(b), applicants for renewal who have been licensed less than 12 months are not required to submit proof of continuing education.*

If you have any questions or wonder why you were not included in this e-mail, please don’t hesitate to contact the board’s licensing examiner, Dawn Dulebohn, at [dawn.dulebohn@alaska.gov](mailto:dawn.dulebohn@alaska.gov) or at 907-465-3811

Sincerely,

The Board of Massage Therapists  
David Edwards-Smith, LMT, Chair  
Ron Gibbs, LMT  
Traci Gilmour, LMT  
Jill Motz, LMT  
Rebecca McCoy, Public Member

# Break for Town Hall Preparation

# Town Hall Meeting

# Adjourn